

1 AFTERNOON SESSION

2 ALBUQUERQUE, NEW MEXICO

3 PRESIDING OFFICER: Good afternoon everybody. I'm  
4 Dick Wilson from the U.S. Environmental Protection Agency. I  
5 want to welcome everybody here to a continuation of our  
6 public hearings this week in New Mexico on our proposed  
7 decision to certify WIPP, the Department of Energy's Waste  
8 Isolation Pilot Plant known as the WIPP is in compliance with  
9 EPA's radioactive waste disposal standards.

10 I'm Dick Wilson and I'm the Acting Assistant  
11 Administrator for the Environmental Protection Agencies Air  
12 and Radiation program, and will be the presiding officer here  
13 today and tomorrow.

14 Before starting with public comment, a few  
15 procedural items and background on the purpose of the  
16 hearing.

17 First of all, let me introduce you to the other  
18 panel members. With me this morning are Larry Weinstock,  
19 Frank Marcinowski, on my left and Mary Kruger on my right,  
20 all of whom are actively involved in the radiation program

21 with EPA and particularly the WIPP project.

22 Now some of the ground rules for the hearing. It's

23 an informal legislative public hearing. There isn't any

24 cross-examination, people will present their statements.

25 They may be questioned by the panel members. We're here to

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1 listen to your comments. We have a court reporter who will  
2 produce a transcript of today's proceedings. If you have a  
3 written copy of your statement it would help a lot if you  
4 could give it to us, particularly to the reporter.

5 I'd ask all of the witnesses to start out with  
6 saying your name and spelling your name and your organization  
7 so the reporter can have it correctly.

8 We have allowed individuals five minutes to  
9 testify, people representing organizations will be allowed  
10 ten minutes. Again the purpose of the hearing is to solicit  
11 public comment on our proposed decision to certify that the  
12 WIPP is in compliance with our radioactive waste disposal  
13 standards, and I would ask people to please confine their  
14 comments to that subject. We're going to be here all day.  
15 Actually we'll be here as late as we need to be to make sure  
16 anybody who has comments has a chance to make them to us.  
17 We're scheduled to be here until 9:00 tonight. If we need to  
18 stay later, we will.

19 People who registered in advance were given the  
20 time to speak. Others, if there are others here now who

21 haven't registered but would like to speak, if you'll check  
22 in with the registration table outside, we'll do our best to  
23 accommodate your schedule.

24       We're going to use a timer for the hearing. As I  
25 said, we have a lot of people who want to testify, and we're

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1 going to hold people to the five- and ten-minute time rule in  
2 order to make sure everybody has a chance to give us their  
3 comment. There's a little timer here. Basically it will  
4 start green. When you have about three minutes left it will  
5 turn to yellow, and when it turns to red, I will ask you to  
6 please conclude your comments.

7 I remind you that we'll gladly accept written  
8 comments today or anytime up until February 27. The comment  
9 period is open until the end of February, and written  
10 comments are accepted up until then. Anybody who has more  
11 than five- or ten-minutes worth to tell us today, we'll be  
12 happy to take it in writing, or if you have thoughts after  
13 hearing other people comment or additional information to  
14 give us, please feel free to do so. Please see the  
15 information table and refer to the fliers that are available  
16 outside regarding docket locations and hearing ground rules.

17 The transcript for today's hearing will be  
18 available at each of the EPA dockets in about two or three  
19 weeks. So that's how the hearing's going to work.

20 A little bit of background on why we're here. In

21 1992, Congress required EPA to insure safety of the WIPP  
22 site, and in response EPA set disposal standards in 1993,  
23 requiring DOE to demonstrate that WIPP will be a safe  
24 disposal facility for thousands of years into the future.  
25 Then in February 1996, EPA followed those general standards

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1 with more specific compliance criteria relating to WIPP.

2 The compliance criteria is to clarify the  
3 requirements of the radioactive waste and it is over  
4 regulations that require DOE to provide EPA with specific  
5 types of information in it's compliance certification  
6 application.

7 Then in October of 1996, EPA received DOE's  
8 Compliance Certification Application and immediately began  
9 our review for completeness and technical adequacy.

10 In November of 1996, we announced that the  
11 application had been received and solicited public comment on  
12 the application and announced our intent to conduct the rule  
13 making. That began a 120-day comment period and public  
14 hearings to obtain comments were held in New Mexico in  
15 February of 1997. Then in May of 1997 after those hearings,  
16 we determined that DOE's application was complete, and by law  
17 EPA has one year from this date, May of 1997 until May of  
18 1998, to make a final decision on the certification.

19 We have consulted with scientific experts and the  
20 people of New Mexico prior to issuing a proposed decision.

21 We've reviewed the information on the WIPP's ability to  
22 safely contain radioactive waste, and as required by EPA  
23 standards, DOE has had the necessary portions of the  
24 application peer reviewed by independent experts.  
25 On October 30, 1997, we issued a proposed decision

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1 that WIPP will comply with the requirements of our  
2 radioactive waste disposal regulation and compliance  
3 criteria.

4       We're proposing that DOE meet four conditions for  
5 certification. These are first: EPA must approve the  
6 execution of waste characterization activities, including a  
7 determination of the radionuclides and other content of waste  
8 disposal containers currently stored at waste area sites  
9 before the containers allowed to be transported to WIPP for  
10 disposal.

11       Secondly, EPA must approve the establishment and  
12 execution of quality assurance programs for waste  
13 characterization activity before the containers are allowed  
14 to be transported to WIPP for disposal. Quality assurance  
15 programs will confirm the waste characterization is done  
16 properly.

17       Three, DOE must submit to EPA prior to closure of  
18 WIPP a detailed plan and schedule for implementing  
19 institutional control, including an elaborate marker system  
20 intended to warn future generations about the hazards of the

- 21 radioactive wastes buried at the WIPP.
- 22 Four, DOE must seal waste storage panels within
- 23 WIPP with strong concrete barriers that are engineered to
- 24 contain hazardous material.
- 25 Having made our decision, we are here to obtain

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1 feedback from New Mexico citizens on the proposal. We're  
2 also, as I mentioned earlier, accepting written comments on  
3 our proposed decision. All written comments must be received  
4 in the EPA docket by February 27 of this year.

5 I want to assure you that all written and oral  
6 comments will be carefully considered before we make a final  
7 decision in May of this year as to whether WIPP complies with  
8 EPA regulations.

9 Again, I want to thank all of you for taking the  
10 time to come here today. With that we'll begin the  
11 testimony.

12 The first witness on the schedule is Kent Hunter of  
13 DOE.

14 KENT HUNTER: Thank you. I want to express my  
15 appreciation to the EPA and specifically the panel for an  
16 opportunity to present a statement I'll read to the panel.

17 My name is Kent Hunter. I'm an employee of the DOE  
18 and I'm representing today the Carlsbad Area Office.

19 I've been working on nuclear waste issues for the  
20 past 15 years. I believe that environmental cleanup of DOE

21 facilities around the nation is critical to the future well

22 being of the United States of America.

23 Over ten years ago I moved my wife and four

24 children to Carlsbad, New Mexico in order to work directly on

25 the WIPP, the first step in a solution to nuclear waste

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1 disposal and a final step in clearing up the nuclear waste  
2 legacy from the cold war.

3 I am family and community oriented. I would not be  
4 working on this program if I did not believe it to be safe  
5 and environmentally responsible.

6 Removing nuclear waste from above ground temporary  
7 storage scattered across the United States and disposing of  
8 it 2,000 feet below ground, in 250 million year old bedded  
9 salt is the right thing to do. The WIPP is the right thing  
10 to do.

11 I am the DOE Carlsbad area office assistant manager  
12 responsible for the Office of National TRU Waste Operations.  
13 You might say this is equivalent to being the chief operating  
14 officer. I have more or less had the same responsibility  
15 since coming to Carlsbad in June of 1987, and I have seen the  
16 technical and scientific superiority of the WIPP proven and  
17 demonstrated over and over again.

18 The WIPP and the National TRU waste system were  
19 ready to operate in 1988. Nothing technical, nothing  
20 scientific has changed since then. What was missing in 1988

21 was basically a license to operate.

22 Now the EPA with the subject proposed rule has  
23 taken the first step, the biggest step and perhaps the final  
24 step in issuing a long overdue license that will allow the  
25 WIPP to finally fulfill its mission, cleaning up the.

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1       The Carlsbad area office has a deep appreciation  
2 for the long arduous task the EPA has engaged in to develop  
3 the proposed rule. Thousands of technical and scientific  
4 documents with sometimes opposing points of view have been  
5 reviewed analyzed and considered by the EPA. The technical  
6 experts have poured through DOE and contractor records, have  
7 audited DOE and contractor processes, facilities and  
8 procedures, and have made some very difficult, technical  
9 decision.

10       The proposed rule and the technical basis for the  
11 rule are detailed, well founded and reflect the high quality  
12 and professional work of the EPA that preceded them. In  
13 addition, the EPA has insured the public involvement in the  
14 process has occurred at unprecedented levels.

15       However, the proposed rule does include four  
16 conditions. None of the four conditions add anything to  
17 public health and safety or protection of the environment.  
18 All for increase costs to the American taxpayer with no value  
19 added. DOE has five years to provide additional analysis for  
20 conditions one and four. Therefore, DOE believes inclusion

21 of these two conditions in the final rule is acceptable.

22       Conditions two and three will immediately impact

23 the ability of WIPP and the TRU waste transportation system

24 to operate in an efficient and cost effective way.

25       Conditions two and three will immediately impact

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1 the ability of the Idaho National Environmental and  
2 Engineering Laboratory and the Rocky Flats Environmental test  
3 site to begin the TRU waste cleanup activities.

4 Conditions two and three are inconsistent with the  
5 basis and conclusions of the rest of the proposed rule.  
6 Conditions two and three will involve the EPA in a process  
7 not required by 40 CFR 194, and not address the EPA's  
8 Compliance Application Guide.

9 There is no technical or scientific basis for  
10 conditions two and three and these two conditions will  
11 needlessly involve the public in an unnecessary process that  
12 is not defined, and serves no purpose other than to give  
13 intervenors the opportunity to delay activities at the  
14 various TRU waste sites around the country.

15 The DOE's quality assurance program, specifically  
16 that of the Carlsbad area office, provides the necessary  
17 oversight and controls for both activities at the WIPP and  
18 activities at the DOE TRU waste sites across the nation.

19 This program and associated site certification  
20 procedures and processes have been fully described in the

21 Compliance Certification Application. The program is fully  
22 developed, implemented and executed, and has been observed  
23 audited and verified by the EPA.

24 The EPA unconditionally endorsed this program  
25 throughout the proposed rule. 40 CFR 194.24 subsection (a)

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1 required the DOE using process knowledge, among other things,  
2 to describe the total waste inventory proposed for disposal  
3 in the disposal system. This requirement has been met by the  
4 DOE in the Compliance Certification Application, and has been  
5 fully endorsed by the EPA in the proposed rule.

6 40 CFR 194.24 subsection (b) required the DOE to  
7 analyze all waste characteristics and components as to  
8 potential impacts on the disposal system. DOE accomplished  
9 this by analysis of the total projected waste inventory, and  
10 documented this analysis in the Compliance Certification  
11 Application. The EPA in the proposed rule recognizes that DOE  
12 meets the requirements of subsection (b).

13 40 CFR 194.24 subsection (c) required the DOE to  
14 specify limits derived from the subsection (b) analysis for  
15 the total inventory of such waste proposed for disposal in  
16 the disposal system. The DOE provided the limits in Appendix  
17 WCL of the Compliance Certification Application, and the EPA  
18 states in the proposed rule that the DOE has met this  
19 requirement.

20 Conditions two and three of the proposed rule are

21 predicated on perceived deficiencies in complying with the  
22 requirements of 40 CFR 194.24 subsection (c) paragraphs  
23 three, four, and five.

24 Paragraph three requires that the use of processed  
25 knowledge conforms with the quality assurance requirements of

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1 40 CFR 194.22. By validating in the proposed rule that the  
2 requirements regarding process knowledge in 40 CFR 194.24(a)  
3 have been met, the EPA has already agreed this paragraph  
4 three requirement has been met.

5 The proposed long-term public review and EPA  
6 involvement in the detailed site certification process which  
7 is done for individual waste containers cannot add any  
8 quality assurance to the past use of process knowledge for  
9 projecting and analyzing the total inventory.

10 Paragraph four requires that a system of controls  
11 be implemented to confirm that the total amount of each waste  
12 component that will be placed in the disposal system will not  
13 exceed the limits established as safe.

14 The DOE utilizes the waste information system and  
15 computerized data base to meet this requirement and has fully  
16 described the system in the Compliance Certification  
17 Application.

18 The EPA has reviewed, observed and audited this  
19 system and has approved this system in the proposed rule.

20 Paragraph five requires that the same controls be

21 identified and described and that they are applied in  
22 accordance with the quality assurance requirements found in  
23 194.22. Again, the WIPP waste information system is fully  
24 identified and described in the Compliance Certification  
25 Application, and EPA has validated this system and associated

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1 quality assurance controls in the proposed rule.

2 In summary, the EPA has promulgated a good rule, 40  
3 CFR 194, to establish the conditions and requirements for  
4 regulating WIPP. Rightfully so, 40 CFR 194 uses a systems  
5 approach for the entire disposal system and considers the  
6 total waste inventory as a part of that system.

7 DOE has established limits for the total waste  
8 inventory, and because of the magnitude of proposed inventory  
9 and the excellence of the WIPP geology, these limits are very  
10 few and they are very gross. So few and so gross that even  
11 if there were no controls at TRU waste sites it is not  
12 reasonable that any one way could cause the WIPP to approach  
13 these limits, limits that cannot be approached for the total  
14 DOE waste system for 35 years.

15 Keeping track of those gross limits is not rocket  
16 science. Complex and expensive systems and processes are not  
17 required. Likewise continued public review of TRU waste site  
18 specific technical documentation and continued EPA audits and  
19 inspections of TRU waste sites is also not required or  
20 warranted.

21           Accordingly, the DOE Carlsbad Area Office  
22 respectfully suggests that EPA reconsider the basis for  
23 conditions two and three of the proposed rule and eliminate  
24 these conditions from the final rule.  
25           Thank you very much.

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1       PRESIDING OFFICER: Thank you very much for coming  
2 today and for your testimony.

3       Next is Don Olsen.

4       DON OLSEN: Good afternoon panel and hello again  
5 from Carlsbad. I am an employee of Carlsbad Department of  
6 Development and represent the Network Corporation in  
7 southeastern New Mexico.

8       I have been in the Carlsbad area for three years  
9 and have become familiar with the WIPP project through the  
10 employees of the WIPP project and from the Department of  
11 Energy, Westinghouse, Sandia and the contractors associated  
12 with the WIPP project.

13       In addition to the citizens in southeastern New  
14 Mexico, I have had an opportunity to tour the WIPP site and  
15 to learn of the precautions and safety measures that have  
16 built into the project. I have found all associated with the  
17 WIPP site project to be dedicated, confident professionals.

18       I have not learned or become aware of any  
19 conditions which would prevent or delay the opening of the  
20 WIPP facility upon the final EPA approval.

21           As indicated previously, I have been in Carlsbad  
22 for three years. When investigating purchasing a home in  
23 Carlsbad, I learned of a number of employees associated with  
24 the WIPP project that were building and buying homes in  
25 Carlsbad. This is considered a very strong indication that

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1 the WIPP site is safe. Based on this observation, I  
 2 committed to build a home which has just recently been  
 3 completed.

4 I feel that southeastern New Mexico needs the  
 5 support in getting the WIPP project open. Thank you very  
 6 much panel and audience.

7 PRESIDING OFFICER: Thank you for coming and thanks  
 8 for that testimony.

9 PRESIDING OFFICER: Next is Ernest Garcia. Is he  
 10 here?

11 (No response.)

12 PRESIDING OFFICER: Mark Miller.

13 MARK MILLER: Good afternoon. My name is Mark  
 14 Miller. I'm a certified health physicist and I work for Roy  
 15 F. Weston Company, an environmental engineering firm here in  
 16 Albuquerque.

17 I've worked for the past 21 years in the profession  
 18 of radiation protection. I've been involved in measuring,  
 19 minimizing and managing countless associated with exposure to  
 20 radiation.

21 First of all, I'm concerned that EPA in its October  
22 30, 1997 proposed rule has suddenly added a new role for  
23 itself as an adjunct to 40 CFR 194. This addition is a new  
24 process for the active involvement in waste generator site  
25 certification. Until now the plan was for DOE to be the

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1 certifying authority with EPA as an observer. This is  
2 analogous to the Publicly Owned Treatment Works Industrial  
3 Pretreatment Programs required nationwide to satisfy NPDES  
4 requirements and should serve as a model in this situation, I  
5 believe. I'm not clear as to the exact intent of EPA's  
6 position.

7 The proposed rule is a significant departure from  
8 plans and is not justified and should not be pursued unless  
9 it can truly add value to the process.

10 The excessive and duplicative certification and  
11 audit and inspection requirements have no place in EPA's  
12 proposed rule when it is published in its final form. It  
13 exceeds what Congress intended and should be excluded from  
14 any future rule making.

15 At a minimum the language should be toned down or  
16 clarified to fit the model the way the EPA administered the  
17 NPDES programs for POTWs or more importantly so it addresses  
18 Congress intent for this rule.

19 It's my understanding as several members of the  
20 U.S. Senate and Congress have contacted the EPA Administrator

21 regarding this concern.

22       My second observation is that I believe that WIPP  
23 is the appropriate and best solution for transuranic waste  
24 that has been demonstrated by other 23 years of taxpayer  
25 funded study and over 80,000 pages of technical

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1 documentation.

2       Most opponents of WIPP generated little more than  
3 unfounded criticism and hot air at a minimum of expense to  
4 themselves but tremendous expense to the country in the form  
5 of continued asinine delays and unneeded further studies.

6       Evidence provided in the WIPP Compliance  
7 Certification Application overwhelmingly shows that WIPP will  
8 perform safely as required.

9       This country cannot afford unjustifiable costs of  
10 delaying the decision based on concerns stemming from  
11 unsubstantiated unfounded or exaggerated feelings addressed  
12 by some that WIPP isn't safe enough -- read this, zero risk.

13       WIPP is safe and a practical alternative to the  
14 present situation of temporarily storing transuranic waste at  
15 more than ten separate sites around the country that are  
16 dramatically less safe in geologic terms than WIPP.

17       The National Academy of Sciences recognized this 40  
18 years ago when they identified the Salado formation as a  
19 likely candidate for this disposal facility. Add to that the  
20 fact that WIPP has been designed and built to produce a

21 suitable permanent waste disposal solution whose designed-

22 acceptable risk is vastly better than any alternative.

23 America, EPA and the DOE, has the fiscal and moral

24 obligation to open and operate WIPP now. It's time has come.

25 PRESIDING OFFICER: Thank you for coming. Thank

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1 you for that testimony.

2 Is Mr. Garcia here yet?

3 (No response.)

4 PRESIDING OFFICER: Next is John Lee.

5 JOHN LEE: I would like to thank you for this  
6 opportunity to come and speak to you today. I am John Lee,  
7 Waste Isolation Division. I appear today in support of the  
8 EPA's proposed rule and urge you to complete the final rule  
9 making immediately. I would like to present my testimony both  
10 orally and in writing.

11 Westinghouse has been associated with WIPP for 20  
12 years. We were selected as the WIPP technical support  
13 contractor in 1978, and have been the managing and operating  
14 contractor for the U.S. Department of Energy and WIPP since  
15 November of 1985.

16 These 20 years Westinghouse has worked hand in hand  
17 with our partners in the Department of Energy and Sandia  
18 National Labs. Our purpose was to develop the safest and  
19 most effective disposal for radioactive transuranic waste in  
20 the world.

21           The EPA'S proposed rule which presents this  
22 decision to certify the WIPP is a vital step in the opening  
23 of the nations first permanent underground repository for  
24 transuranic radioactive waste.  
25           Opening of WIPP is necessary so that defense

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1 nuclear facilities around the nation have a safe place to put  
2 the radioactive waste generated by the clean up and  
3 decommissioning of those sites.

4       Having been at many of those sites, I believe it is  
5 comparative the nation get on with the clean up of  
6 significant environment problems. To do so, we must have a  
7 safe place to put the resulting waste. Without a place for  
8 safe disposal we will only slow down the clear up efforts and  
9 increase the environmental and safety risks for future  
10 generations.

11       The main focus of the proposed rule is long term  
12 repository performance. A key to assuring repository  
13 performance is analyzed is to dispose of the transuranic  
14 waste properly.

15       Today I'd like to enter into the evidence that  
16 gives me the confidence that WIPP will be operated with the  
17 highest regard to safety and environmental and quality  
18 excellence. This evidence takes two forms.

19       The first, our part record of awards and  
20 achievements in these areas; and the second, preparations for

21 taking and making sure that we're fully ready to begin waste  
22 procedures.

23 Westinghouse is proud of its achievements over the  
24 past 20 years. Authority has always been and will continue  
25 to be environmental and safety excellence. Compliance with

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1 regulatory requirements is a cornerstone to our demonstration  
2 of excellence. We are committed to implementing to the  
3 fullest extent all of the requirements set forth in the EPA  
4 certification of the WIPP.

5       Our commitment to excellence in safety  
6 environmental management is evidenced by two very special  
7 honors that we have received. The first was recognition from  
8 the Department of Energy's long term protection program.  
9 That's the highest ranking for safety programs that can be  
10 received, and the WIPP was the first DOE facility to be  
11 recognized at that level.

12       The second honor was registry by the International  
13 Organization and Standardization's ISO 42001 demonstrating  
14 excellence in environmental management.

15       In addition to these special honors we have  
16 received 11 consecutive New Mexico Line Operative of the Year  
17 Awards, two recent awards of honor from the National Safety  
18 Council, Outstanding Mine Safety and Health Administration  
19 Inspection Results, and numerous awards for total quality  
20 including from the state of New Mexico Department of Energy

21 and from the Westinghouse Electric Corporation. We're also  
22 recognized as the best research and development project by  
23 the New Mexico Society of Professional Engineers.

24 Despite a past record of safety environmental  
25 excellence, we have taken steps to check and cross check

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1 ourselves to insure every aspect of the operation is good.  
2 Preparations over the past year have been extensive. We have  
3 conducted an in-depth review including almost 1200 individual  
4 area assessments. To this review we insured that all  
5 requirements to operate the facility are in place. Every  
6 requirement or even potential requirements were included in  
7 this review including things like the anticipated EPA Mile  
8 certification requirements and anticipated New Mexico record  
9 permit requirements.

10 We recognize that the reviews alone cannot  
11 demonstrate excellence, therefore, we treated the WIPP  
12 facility as if it were open and operational. This allowed us  
13 to simulate all aspects of WIPP operation. By so doing, we  
14 insured that all the site processes have been verified and  
15 that all personnel are not only qualified and ready, but also  
16 proficient in the performance of their duties.

17 The final step in insuring readiness of the  
18 facility, people and procedures was an extremely successful  
19 performance demonstration. This demonstration not only  
20 included WIPP site activities but also included the

21 transportation activities of the generator site.

22       Beginning on September 16, 1997, employees at the

23 Idaho National Engineering and Environmental Lab shipped

24 three containers with 42 55-gallon drums filled with sand as

25 simulated waste to the WIPP.

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1        Every process step was tested during the exercise.  
2        This included every step from inspection of the mock waste  
3        shipments as they left the site in Idaho, to final unloading  
4        and placement in the underground at the WIPP.

5        In addition to all normal waste disposal  
6        activities, Westinghouse personnel participated in a series  
7        of graded drills to judge response time. Several regulators,  
8        oversight groups and stakeholders observed the demonstration.  
9        We successfully completed every aspect of the demonstration  
10       with no deficiencies noted by the review team.

11       A number of our personnel were also involved in  
12       first interstate shipment of defense related transuranic  
13       waste from the Teledyne Ground Laboratory in New Jersey to  
14       the Rocky Flats Environmental Technology site near Boulder,  
15       Colorado. The shipment was an exemplary illustration of how  
16       transuranic waste can be shipped effectively and safely using  
17       the TRU pack transportation system.

18       As we approach the opening of WIPP, the  
19       preparations continue to intensify. Next week we will begin  
20       the first two operational readiness reviews to further

21 demonstrate readiness to operate this unique facility.  
22       This review utilizes a team of outside experts to  
23 review and validate Westinghouse's ability to operate WIPP.  
24 The second operational readiness review will then be  
25 conducted by a team of national experts from the Department

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1 of Energy. These two required operational readiness reviews  
2 fully confirm and document that the WIPP will be operated in  
3 compliance with all regulations and orders.

4 Our employees are among the safest in the  
5 Department of Energy and the nation because they are highly  
6 trained. They are the engines that power the facility.  
7 These are the same employees who live and raise their  
8 families in Carlsbad which is located only 26 miles west of  
9 WIPP.

10 They are, without a doubt, a highly trained group  
11 of people who believe in the WIPP and want to get the job  
12 done correctly. They will be the first to tell you it is  
13 time to open the WIPP and begin dealing with the  
14 environmental problems that have been delayed far too long.  
15 These same people are the strongest supporters of the site  
16 safety programs.

17 One of our greatest achievements occurred in  
18 October 1996 when the Compliance Certification Application  
19 was committed for the EPA's review. Preparation and review  
20 of the document is a monumental task, as you all know. With

21 this thought in mind, I'd like to applaud the EPA for your  
22 efforts.

23 The EPA and the public should be confident in the  
24 environmental and safety excellence of the WIPP.  
25 Environmental and safety excellence has been repeatedly

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1 demonstrated at the WIPP, and they are essential elements of  
2 our culture.

3 Let me reiterate as the management and operating.

4 Contractor for the Department of Energy at the  
5 WIPP, we're proud of our achievements. Our job is  
6 operational, environmental and safety excellence, and we're  
7 committed to it.

8 Thank you very much.

9 PRESIDING OFFICER: Thank you for coming and for  
10 your testimony today.

11 Is Mr. Garcia here yet?

12 (No response.)

13 PRESIDING OFFICER: The next witness is Dan  
14 Funchess.

15 DAN FUNCHESS: I'm Dan Funchess representing myself  
16 from Carlsbad. I appreciate the opportunity to address the  
17 panel and I'll be just very brief. I'm a citizen of  
18 Carlsbad. I was born in Carlsbad in 1962, and I'm on no  
19 one's payroll to be here today. I took my own individual  
20 time to drive up this morning and to speak my five minutes.

21 I've written just a few things to try to express my  
22 concern about the EPA guidelines and such, and in no way am I  
23 a scientist.

24 Living in Carlsbad, we've come to realize that the  
25 WIPP project is an integral part of our community in many,

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1 many facets, and living with and dealing with all the  
2 individuals involved with WIPP has been really tremendous,  
3 because if you interact with the individuals, you realize  
4 they are the most highly educated people, highly trained and  
5 highly committed individuals that we have in our community.

6 And as far as investment in the community, they are  
7 really tremendous and really set the standards for many of  
8 our community organizations.

9 WIPP itself has been the subject of many debates,  
10 and I'd like to make a statement that I believe unfounded  
11 concerns from environmentalist groups and pardon the pun, has  
12 been on the environmental WIPPing post for quite some time.  
13 And the concern I have is that most of those opposing WIPP  
14 either do it out of an extreme environmental position or  
15 perhaps maybe an opportunist with a political ambition.

16 If one were to look just at the WIPP facility and  
17 all the aspects surrounding that, you would realize that in  
18 many cases it's an overkill situation and the people in  
19 Carlsbad are comfortable with WIPP.

20 Those that live in that area need WIPP, and I would

21 like to say I believe New Mexico needs WIPP and most of all  
22 the United States needs WIPP.

23 The EPA has a pamphlet that I picked up as I came  
24 in, and the four principles that are required of EPA are  
25 protection, good science, proper consultation and commitment.

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1 I believe EPA has gone above and beyond those four  
 2 guidelines, and I would like to encourage you to move forward  
 3 on the project and approve the licensure of WIPP and the  
 4 certification of WIPP.

5 I appreciate your time and appreciate the  
 6 opportunity to be here. Thank you.

7 PRESIDING OFFICER: Thank you for taking the time  
 8 to come here today.

9 Mr. Garcia?

10 (No response.)

11 PRESIDING OFFICER: Okay, next is Don Hancock.

12 DON HANCOCK: My name is Don Hancock with Southwest  
 13 Research and Information centered here in Albuquerque.

14 Unfortunately we have to start out with a little  
 15 store they I've told before. Among the many good things my  
 16 mother told me when I was growing up is I had a very loud  
 17 voice and that I shouldn't talk to people, shouldn't have my  
 18 back to people when I talk.

19 EPA has heard this many times before and it's  
 20 unfortunate sometimes when you set things up you have the

21 podium on the side and the microphone on the side so we can  
22 address you and we also don't have to have our back to the  
23 audience. So it's unfortunate do that today and I hope you  
24 will remedy that problem.  
25 Mr. Wilson in his opening comments talked about

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1    why we're here today. I want to start with that too, except,  
2    of course ,the reason we're here today goes back farther than  
3    where you started.

4            Almost ten years ago at hearings in New Mexico,  
5    hundreds of New Mexicans had signs like this saying, WIPP  
6    must meet new EPA standards. You all weren't around at that  
7    time because EPA had no role in WIPP.

8            The reason people said that is we were tired -- and  
9    not only we in New Mexico, but people all over the  
10   country -- were tired of the Department of Energy's handling  
11   its facilities and its waste with no regulations,  
12   self-regulation they like to call it. We call it no  
13   regulation.

14           So a lot of people in New Mexico have said we need  
15   to have independent regulations. That's the reason that the  
16   Land Withdrawal Act, which you mentioned in 1992 was passed,  
17   to give you all this role.

18           We've always had concerns about whether EPA would  
19   have the technical capability and will to really be an  
20   independent regulator, to protect public health and safety

21 for present and future generations. That's your task. It's  
22 a very difficult task. And it's one that we hoped EPA would  
23 meet, although there were some early warning signs, and one I  
24 want to mention.

25 One example of this is July 21, 1992, during the

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1 floor debate in the House of Representatives on that WIPP  
2 Land Withdrawal bill. Then Congressman Howard Wolvey (sic)  
3 stated, and I quote, asking EPA to oversee DOE is like asking  
4 Bambi to ride herd over Godzilla. To date EPA has been unable  
5 to hold DOE accountable for even the most blatant violations  
6 of environmental laws. Do we really believe it will be able  
7 to keep DOE in line on this project?

8 Well, now it is five and a half years later. Do we  
9 need to answer congressman Wolvey's question? Unfortunately  
10 the answer is based on the proposed rule that EPA apparently  
11 doesn't have the technical capability or the will to serve as  
12 an independent regulator.

13 WIPP is a blind site especially so because it's in  
14 an area surrounded by oil and gas and potash which also lie  
15 within the boundaries of the site which lead to short term  
16 and long term problems with the facility. But EPA has  
17 systematically avoided, in its proposed rule, looking at  
18 realistic scenarios and using valid parameters and validated  
19 models that result in violations of the disposal regulation.

20 What the proposed rule shows is that EPA did not

21 evaluate at all the impacts of air drilling into the site.  
22 EPA did not realistically evaluate the impact of drilling  
23 with mud, which again results in releases that violate the  
24 disposal regulations. EPA did not evaluate releases from  
25 fluid injection even if it occurs outside the site boundary,

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1 which can lead to violations of the standard, let alone fluid  
2 injection within the site boundary, also leading to violation  
3 of the standard.

4 EPA did not evaluate carbon dioxide injection for  
5 overrecovery even though that again is another realistic  
6 scenario that results in violation of the disposal  
7 regulations.

8 Now, based on a conversation that I had with some  
9 of you this morning, you said, well, we're working on the air  
10 drilling issue. We're going to do a report on air drilling,  
11 and the public is going to have an opportunity to comment on  
12 that air drilling report. And I appreciate that because that  
13 is a requirement.

14 However, unfortunately, the report that you say  
15 brought this to your attention by Dr. John Reiderhoff (sic),  
16 was submitted on October 10, to EPA -- October 10 of 1997.  
17 So you've had it for three months and it's going to take you  
18 another few weeks to finish your report, so let's say it  
19 takes you four months to comment and respond on Dr.  
20 Reiderhoff's report. We in the public are supposed to be

21 able to respond to EPA's document in 30 days.

22 This is just an example of how EPA is short

23 circuiting the public. Its own processes, EPA's processes,

24 EPA is not doing its job.

25 In its proposed rule, EPA did not use realistic

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1 solubility values including no backfill solubility. EPA did  
2 not use realistic permeability based on actual experimental  
3 data partly because DOE and Sandia haven't produced such  
4 experimental data.

5 EPA did not use realistic retardation coefficients.

6 EPA did not use the probability of one, that a pressurized  
7 brine reservoir underlies the waste rooms, even though that's  
8 the only assumption that you can use unless you kind of offer  
9 actual experimental truth that there is no brine there.

10 EPA did not require drilling rates that are  
11 consistent with the expensive drilling throughout the area.  
12 EPA did not use real waste characterization inventory and  
13 repository limit information, and you didn't look at, for  
14 example, your own federal government experience in looking  
15 for examples of reliability of data at Rocky Flats, where an  
16 FBI raid and expensive investigation revealed a lot of  
17 falsified information at Rocky Flats.

18 EPA did not use realistic flat tractor flow  
19 modeling using the LEMF model. EPA did not and still has not  
20 modeled the real life base flow to show that its models are

21 valid. The only modeling record that shows that, that uses  
22 that shows major violations of the standards.  
23 You did not use realistic data in modeling a  
24 Rustler flow. You didn't use 3B backflow modeling. You  
25 didn't use realistic shaft bored hole and panel seal

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1 performance estimates.

2 All of these things need to be done. And they need  
3 to be done by EPA. EPA needs to do them in new performance  
4 assessments and allow opportunity for public comment on them.

5 A further very troubling aspect of EPA's proposed  
6 rule is the agencies refusal to disclose the names and  
7 qualifications of it's contractor personnel, even though my  
8 organization has requested it three times before today and  
9 the fourth time this morning, and have always been refused.

10 Mr. Matthews, EPA's lawyer, has told us it's  
11 irrelevant. Well, it's not up to EPA to determine relevance.  
12 EPA should be accountable for the millions of taxpayer  
13 dollars it's spending for the qualifications of its technical  
14 contractors, so that it can be determined whether they in  
15 fact do have the world class science backgrounds that are  
16 needed and whether they have conflict of interest.

17 A very puzzling question is why EPA is behaving  
18 this way. It is, by its name, supposed to be the  
19 Environmental Protection Agency. EPA needs to explain what  
20 happened.

21           Based on the records so far it appears that based  
22   on pressure from DOE and Congress in secret meetings in March  
23   and April of 1997, that EPA was pressured to prematurely  
24   approve unsubstantiated and invalidated parameter values  
25   which it included in its March 19th letter to DOE.

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1           It appeared there was pressure to hurry up with the  
2   completeness determination in that industry referred to, even  
3   though the application done none still is incomplete.

4           If EPA was doing its job, it would have done these  
5   things. Instead what EPA did was do the performance  
6   assessment verification test, even though it knew those were  
7   tests using parameters that result in compliance. What's the  
8   point of doing that?

9           There have been additional contacts between EPA and  
10   DOE since then, since the Compliance Application was deemed  
11   complete. If it was complete and if EPA had adequate time  
12   and expertise, why did they need to have those continuing  
13   secret meetings?

14          EPA, it's time to do it right. Use valid models,  
15   realistic scenarios and parameters and conduct new CCDF's.  
16   You have the burden and you have the responsibility to be the  
17   independent regulator. I hope you'll do it because given  
18   your promise to get a decision out in May, you can't do the  
19   things that need to be done. So I hope this one prediction  
20   that I'm going to make, that you won't do what you need to

21 do, you won't provide adequate public comment and that you  
22 won't do the kind of P. A. runs that I'm talking about, I  
23 hope I'm wrong about that tradition.  
24       It's up to you to do it, not for me, but to protect  
25 the public in New Mexico now and for future generations.

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1 Thank you.

2 PRESIDING OFFICER: Thank you Mr. Hancock for your  
3 testimony this morning.

4 Is Mr. Garcia here?

5 (No response.)

6 PRESIDING OFFICER: Next is Jeanne Carlston.

7 Is she here?

8 (No response.)

9 PRESIDING OFFICER: Susan Pickering?

10 SUSAN PICKERING: I'm here. Thank you. My name is

11 Susan Pickering. I've lived in Carlsbad the last 13 years.

12 I'm a quality assurance manager for Sandia National Lab on

13 the WIPP Project, but I'm here today as an individual not as

14 representative of Sandia.

15 I'd like to discuss at least one of the many

16 reasons that I agree with EPA's proposal to certify WIPP.

17 Prior to my experience at WIPP, I did not have much

18 interaction with EPA. Like most people in the audience

19 today, my experience was pretty much limited to newspaper and

20 T. V. coverage. My message today is as much for the public

21 behind me as EPA in front of me.

22 All of that changed two years ago when EPA began to  
23 review the DOE work for the compliance application. Two  
24 separate teams, one technical and one quality assurance were  
25 at the Sandia offices and records center almost the entire

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1 time for the last two years. The team made up of EPA staff  
2 and contractors had tremendous experience in environmental  
3 sciences and Q. A. and degrees in high powered fields such as  
4 nuclear engineering and law.

5 They spent months learning how our conceptual modes  
6 were developed, how our codes were written tested and used,  
7 understanding how and why our data was collected, and how all  
8 of were used in the Compliance Application.

9 These teams reviewed hundreds of thousands of  
10 records, including data packages, parameter packages and  
11 analysis packages. They verified that our staff were  
12 qualified, our brine core samples were properly collected and  
13 handled, our gauges were properly calibrated and that our  
14 procedures and plans were properly reviewed and implemented.

15 The EPA team accompanied Sandia when we audited our  
16 own subcontractors to assure the work that they performed had  
17 the same high quality assurance and technical standards.

18 In summary, EPA left no stone unturned during their  
19 review of the WIPP. They did an exhaustive review of  
20 Sandia's work. My experience with EPA over the last two

21 years has given me confidence that when they say a treatment  
22 facility should be permitted, they have based their decision  
23 on a thorough review and comprehensive study of the activity.  
24 Similarly the public which has not been involved  
25 with the EPA's extensive review of WIPP should have that same

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1 confidence that the EPA again has done a thorough and  
2 comprehensive study.

3       These reviews are one of the reasons that the  
4 public can accept the EPA's conclusions and recommendations  
5 with confidence. Thank you.

6       PRESIDING OFFICER: Thank you very much for that  
7 testimony.

8       Next I have Lily Rendt.

9       (No response.)

10       PRESIDING OFFICER: Ernest Garcia or Jeanne  
11 Carlston?

12       (No response.)

13       PRESIDING OFFICER: Joe Tilleison?

14       (No response.)

15       (No response.)

16       PRESIDING OFFICER: Jenny Van Winkle?

17       (No response.)

18       PRESIDING OFFICER: Pat Carroll?

19       (No response.)

20       PRESIDING OFFICER: Penny Zigleod?

21 PENNY ZIGLEOD: My name is Penny Zigleod, and I'm  
22 speaking to you today as a layperson.

23 I moved to New Mexico five years ago. I have lived  
24 with MS since 1980. I was in remission for 11 out of those  
25 13 years. I was in remission when I moved to New Mexico.

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1 Within five months of moving here I have started having  
2 difficulties in walking which have just gotten worse.

3 I once went to an art show in New York of MS art,  
4 and there was a map of MS in the United States. The  
5 majority, the biggest pocket of MS in the United States is  
6 around Denver, Colorado. Helen Calcot said, the most  
7 irradiated city in the United States should be evacuated and  
8 nobody should live there.

9 I have a friend whose husband has worked in Los  
10 Alamos, and I hear that there's more and more MS in Los  
11 Alamos. People in Carlsbad are going to see more and more  
12 MS.

13 That's the result of radiation. Thank you.

14 PRESIDING OFFICER: Thank you for coming.

15 Hank Theiry.

16 HANK THEIRY: Good afternoon. I'm affiliated with  
17 quite a few public groups, but I'm speaking on my own behalf  
18 today. I'm not a scientist, I'm a Vietnam veteran, community  
19 advocate and concerned citizen.

20 A quick history lesson. Our nation's legal

21 justification for getting us into the Vietnam situation was  
22 the gulf of Tonkin (sic) incident. Do any of you remember  
23 the gulf of Tonkin incident? P.T. boats or some kind of gun  
24 boats from the north Vietnamese attacked, supposedly, the 7th  
25 fleet. Now what's absurd as that imagine is, we use that as

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1 a justification in our Congress to go ahead and send 59,000  
2 people to their deaths in Vietnam. And we, of course, later  
3 on found out that was a fabrication.

4 And I just wondered if we also thought about how  
5 many thousands of people because of that war lived through  
6 the war but came home and died various degrees of horrible  
7 deaths due to agent orange or post traumatic stress syndrome.  
8 And, of course, the government, as you recall, said they  
9 didn't have anything to do with that and that didn't really  
10 happen. Agent orange didn't really happen and no one was  
11 responsible.

12 Then the beautiful Vietnam -- if you can call it  
13 beautiful -- the Vietnam war memorial in Washington, is a  
14 tribute to my fellow comrades.

15 For years we have witnessed the tragic after  
16 effects of pharmaceutical drugs approved by a fellow  
17 government agency, the FDA. I was looking in your book, this  
18 little handout you have on implementation of the Waste  
19 Isolation Pilot Plant Land Withdrawal Act, in which there is  
20 a great phrase called scientifically credible manner. I love

21 that. Most of these drugs that have been found out to kill  
22 hundreds and hundreds of people, thousands of people, one of  
23 them my wife's mother died of a cancer caused by an FDA  
24 approved therapeutic treatment. I believe it was some kind  
25 of unopposed estrogen treatment, and I believe that was a

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1 scientifically credible -- and that was approved, the  
2 methodology used to come up to justify that was  
3 scientifically credible.

4       There are thousands and thousands of examples of  
5 science that at one time was good science and later on became  
6 bad science.

7       The response unfortunately from the government in  
8 most of those situations is that -- again they use this  
9 scientifically credible data -- and nobody is responsible.  
10 Nobody ever comes up and says, yes, it's my fault. Nobody  
11 every takes the hit for this stuff.

12       Nobody did for agent orange. Nobody did the for  
13 the Gulf of Tonkin incident and nobody does it for all these  
14 drug situations where people are killed with what they  
15 thought at the time was a good thing.

16       I'm sure that some of you really believe that the  
17 science they are using the and the information is good, solid  
18 stuff. But in 50 or 100 years it's not going to be.

19       Some people, as you've heard already and tonight  
20 you're going to hear them talk to you, are going to talk

21 about the fact that this land's not solid right now. But I'm

22 not a scientist.

23 My history of science tells me that people

24 like -- who come up with new information initially nobody

25 believes them and later on people found out that the

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1 information they gave was good information.

2       So my question I have is where will you build the  
3 WIPP Memorial Wall. We've seen the Vietnam Memorial wall,  
4 where will they build the WIPP Memorial Wall? It will have  
5 on it the names of all of the people that died because of a  
6 decision that's already been made possibly in the back rooms  
7 of EPA, DOE, jobs for Carlsbad, et cetera.

8       Then, I can imagine all of the flowery denials that  
9 we'll hear when the body counts begin to mount. And, of  
10 course, no one will be responsible.

11       I also want to know what right anyone has to make  
12 this decision that will have such lethal affects for many  
13 years to come based on science that never worked.

14       Back to the building of the WIPP memorial. It  
15 would bring jobs to New Mexico, so we'll probably try to get  
16 it built here. And I'm sure Senator Domenici will lobby to  
17 have it build here.

18       And finally as a citizen and a Vietnam vet whose  
19 seen the least results of so many past lives, corporate and  
20 politically motivated decisions, I think our best bet is to

21 use WIPP as a tourist attraction and a self storage facility  
22 for people's cars and clothes and things. That way the  
23 taxpayers might get some of their money back and nobody has  
24 to get killed by another poor decision that no one is  
25 responsible for. Thank you very much.

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1       PRESIDING OFFICER: Thank you for coming and for  
2 your comments.

3       Roberto Ribal?

4       (No response.)

5       PRESIDING OFFICER: Ernest Garcia?

6       (No response.)

7       PRESIDING OFFICER: Jeanne Carlston?

8       (No response.)

9       PRESIDING OFFICER: Lily Rendt?

10       (No response.)

11       PRESIDING OFFICER: Joe Tilleison?

12       (No response.)

13       PRESIDING OFFICER: Lyndia Spurling, Any Nixon,

14 Jenny Van Winkle, Pat Terrell, Penny Manes?

15       (No response.)

16       PRESIDING OFFICER: I think we're a little ahead of

17 schedule. I think we'll take a ten-minute break unidentified

18 speaker.

19       UNIDENTIFIED SPEAKER: I'd like to speak.

20       PRESIDING OFFICER: We have time. Come on up.

21 UNIDENTIFIED SPEAKER: I'd like to speak about

22 insurance.

23 PRESIDING OFFICER: Can you give your name.

24 LILLY ZARAGOZA: Oh, I'm Lilly Zaragoza from

25 Albuquerque.

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1           I don't know if people are aware that they are  
2   getting a notice in their insurance. It is a nuclear energy  
3   liability exclusion rider, and all coverage parts included in  
4   the policy are as such, under the liability coverage to  
5   bodily injury or property damage, resulting from the  
6   hazardous properties of nuclear material and with respect to  
7   which any person or organization is required to maintain  
8   financial protection.

9           In other words, they have to have a separate type  
10   of insurance, for instance, just like you would carry  
11   earthquake insurance separate from your regular insurance or  
12   you carry flood insurance or you're not going to be covered.

13          Under any medical payment coverage to extend  
14   incurred with respect to bodily injury resulting from the  
15   hazardous properties or nuclear materials and arising out of  
16   the operation of a nuclear facility by any person or  
17   organization, these are things that are being excluded.

18          The nuclear materials is any nuclear facility owned  
19   by or operated by -- which is Westinghouse or on behalf of  
20   any insured or has been discharged or depressed therefore.

21           In other words, these people are not going to be  
22 covered once they leave that job. But the contamination has  
23 already occurred in their body. We know that from  
24 experience. From all of the people that were radiated with  
25 the atomic bomb and with the atomic bomb experiments, we

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1 already know that even though it is being denied, it has been  
2 denied.

3 The nuclear material is contained in spent fuel or  
4 waste at any time possessed, handled -- that's your  
5 handlers -- used, processed, stored, transported or disposed  
6 of by any or on behalf of an insured person.

7 In other words, who is going to cover these people?  
8 To me there is no liability. They are not taking liability  
9 for anything. Once your exposed to it, they'll say prove it,  
10 and that is one of the hardest things to prove, because no  
11 doctor will verify that that person was exposed to nuclear  
12 material. They will not verify it. Or that the illness that  
13 is connected with it is verifiable. It is not.

14 The bodily injury or property damage arises out of  
15 the functions by an insured or service material parts of  
16 equipment in connection with the planning, construction,  
17 maintenance, operation or use of any of the nuclear facility,  
18 but if such facility is located within the United States of  
19 America or its territories, they are excluded.

20 And where is WIPP? It's not out of our territory.

21 It's not out of the United States, but who is going to cover

22 these people in an event of an accident?

23       You may say, oh, DOE is going to make sure, the EPA

24 is going to make very sure that no accidents happen. But

25 didn't they say that about Chernobyl. Didn't they say that

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1 about Three-Mile Island? What happened? Accidents did  
2 happen. They will happen. We don't know how many, we don't  
3 know where, but we know they are going to happen.

4 As used in the endorsement, hazardous properties  
5 include radioactive, toxic or explosive properties. Because  
6 this material has been stored for so many years, nobody knows  
7 exactly what is contained in some of those containers. They  
8 may know -- they may know 80 percent of them, but what  
9 happens to the other 20 percent. We don't know.

10 You don't know what reaction of those chemicals,  
11 what happens when those chemicals come together, they form  
12 gases. We know that.

13 I'm not a scientist, I'm just a layperson, but even  
14 I know that gases form in those containers and they will be  
15 explosive. We don't know if by transporting them.

16 Now, Westinghouse just said --

17 PRESIDING OFFICER: Ma'am, your time is up, so if  
18 you could reach a conclusion.

19 LILLY ZARAGOZA: They said in transporting they've  
20 tested sand, but the thing is sand doesn't explode. The

21 gases will. And they are transporting even nuclear reactors.  
22 Any equipment used for separating the isotopes or uranium or  
23 plutonium. Processing, utilizing spent fuel or handling,  
24 processing of type G waste. Those are all going to be  
25 excluded.

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1 I will submit a copy of the insurance policy, the  
2 rider and I will submit a written report of what it is that  
3 is happening. And I think once something like this comes to  
4 light, you ought to let other people know. I don't think  
5 people are being educated about this. Any structure basin,  
6 evacuation, or place prepared or used for storage or disposal  
7 of waste.

8 So property damage includes all forms of  
9 radioactive contamination of properties. Thank you.

10 PRESIDING OFFICER: Thank you very much for coming.  
11 We'll look forward to getting the copies.

12 KATHERINE MONTANO: My name is Katherine Montano,  
13 and I have live on Mother Earth. I am representing the Las  
14 Vegas Environmental Coalition.

15 The last EPA meeting that I went to, I told the  
16 Environmental Protection Agency of the United States that the  
17 Department of Energy has broken the law. And in the impact  
18 statement the WIPP Disposal Final Supplement Environmental  
19 Impact Statement Volume III, Comment And Response Document,  
20 this is what they printed -- but I said many things that were

21 of importance -- comments were made that DOE has broken the  
22 law by transporting nuclear waste on regular trucks, and some  
23 waste has already been moved to WIPP.

24 And it's sad that when I did mention it, there's no  
25 feedback from the Environmental Protection Agency. And when

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1 I saw the impact statement, this is their response. DOE has  
2 moved some TRU waste between its facilities in accordance to  
3 the U.S. Department of Transportation shipping regulations.

4 I did not accuse DOE of moving nuclear waste from  
5 facility to facility. I know that they did announce in 1997  
6 that they had moved nuclear waste from Texas to Los Alamos  
7 Labs.

8 I think that's an injustice, and the reason I say  
9 that is because New Mexico has been the sacrifice zone the  
10 nation for the last 50 years. We have the largest  
11 radioactive spill in the United States in our state. Los  
12 Alamos Lab has grossly contaminated the ecosystem of the  
13 state of New Mexico. They have found tatillium in the  
14 Cochiti Lake. The Cochiti reservoir dumps into the Rio  
15 Grande. The Rio Grande is also radioactive.

16 Here in Albuquerque they have found plutonium at  
17 the zoo, at the university and many other parks and schools  
18 because they fertilize with radioactive materials. Also, the  
19 first atomic bomb was exploded on us.

20 Our people are dying of cancer. Our babies are

21 being born deformed, born brainless. We cannot afford the  
22 nation's radiation.

23 Also, the EPA put out this on Radon. Yet I know  
24 that radon is a natural release from the earth's crust  
25 because we are high in uranium in our state. New Mexico is

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1 sky high in radon. EPA says it should be a 200 picocuries  
2 per liter. In Las Vegas it's at 1,056 picocuries per liter.  
3 In Taos it's over 2,000, and around the state it's  
4 just -- we're just overdosed naturally, and radon does cause  
5 cancer.

6       Getting back to the Department of Energy illegally  
7 moving nuclear waste to the WIPP site, they moved it in 1990  
8 to 1994. We ran a petition and I got 6,000 signatures from  
9 my area, and I ran into three WIPP drivers. The route they  
10 were using from Rocky Flats was through Tres Piedras,  
11 Espanola and down to the WIPP site. They also came through  
12 Raton, through Las Vegas and down to the WIPP site.

13       These trucks went back up and it makes me sad  
14 because these drivers were not educated in how radiation  
15 affects their body.

16       I asked this driver, did they use special suits  
17 when they were moving the nuclear waste from your truck, he  
18 said yes. So I want you to tell the Department of Energy  
19 that they are liars and they have moved nuclear waste to the  
20 WIPP site.

21 In their response they say, the TRU waste TRU pack  
22 container is required only for shipment to the WIPP site.  
23 Well, that's bullshit because they were moving it on big  
24 regular semi trucks. They weren't using a TRU pack truck.  
25 Then they say, oh, no TRU waste has been transported to

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1 dispose of or in place at WIPP.

2 Well like I say, I ran into three drivers and they  
3 all told me they were moving nuclear waste from Idaho, from  
4 Rocky Flats, and you know it is interesting that Pena used to  
5 be the mayor of Denver and they were pressuring to move the  
6 nuclear waste from Rocky Flats. Then he became the  
7 Secretary of Transportation.

8 If you check it out, you'll find that the  
9 Department of Transportation are the ones that financed the  
10 illegally moving of nuclear waste to WIPP. Now, it's  
11 interesting now he's a Department of Energy Secretary. So  
12 they are trying to cover their tracks.

13 It makes me sick that all of these drivers were  
14 never told of the danger that was going to inflict their  
15 bodies. The government right now should be paying for  
16 everybody's cancer in the United States, because they are the  
17 ones that have caused it. They say, oh, we're the super  
18 power. Well, you know what, when it came to nuclear waste,  
19 we're super stupid in what we've done with it.

20 All atomic activity must cease upon the earth.

21 There's no safe way of disposing of it, storing it, and  
22 nuclear facilities are making too much of it. This is the  
23 greatest crime to humanity and all life on the planet in the  
24 universe, and if you do honestly represent the people of the  
25 United States, it's time that you open up your eyes and your

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1 ears and stop this project because it is a failure. We all  
2 know it.

3 Also, the diagram at WIPP, this one right here,  
4 this area up here, they call it experimental area where they  
5 are going to put high nuclear waste. If you have do an  
6 investigation as you should, this is where it is all stored,  
7 those four years or however many years that they moved the  
8 nuclear waste. Now this area is decommissioned.

9 The sad thing is that DOE goes around New Mexico  
10 saying oh, we're just bringing you booties and tools and  
11 uniforms. It's just equivalent to two x-rays a year. Well,  
12 you know what, what they moved illegally is not booties and  
13 tools because it took special equipment for those men to move  
14 those drums out of those trucks.

15 So it is time that you as human beings start  
16 protecting the people of the earth. God says in Revelations,  
17 I will ruin those ruining the earth, so remember, it is on  
18 your conscience and you are directing what is happening with  
19 the nuclear waste of the United States.

20 All of the facilities around the United States are

21 grossly contaminated. All the ecosystems. It has gone out  
22 into the ground water. If they want to close Hanford, we'll  
23 probably have another Chernobyl. Are we going to wait for a  
24 Chernobyl in the United States before you all do something.  
25 And we're all worried about what Saddam Hussein is

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1 doing. Send the U.N. into Los Alamos Lab. They were making  
2 plutonium pits, the core, the mechanism for the nuclear bomb.  
3 That is weapons of mass nuclear destruction. It should be  
4 stopped because Los Alamos Labs continues to contaminate the  
5 people of the state of New Mexico.

6 We are downwind from them, and when they had that  
7 fire just because they come on a television and say, oh, we  
8 didn't have a nuclear release, but yet everybody was sick.  
9 People are dying of cancer in high scales. All of those poor  
10 babies in Brownsville were born without brains.

11 When are we going to wake up? Please send the U.N.  
12 into Los Alamos Labs. It is sad what is happening. And  
13 remember, you are in positions to do something.

14 We're tired of 20 years of standing up here crying  
15 and doing everything we can, worrying and worrying of what is  
16 happening to the human race. You got to start listening and  
17 stop the nuclear madness. It is out of hand.

18 PRESIDING OFFICER: Thank you for taking the time  
19 to give your testimony.

20 KATHERINE MONTANO: I will give you this for your

21 records and I'll also give this so you can see the radon how  
22 high it is in our state and many of the states. It has a map  
23 here. You see this black right here, that's how bad the  
24 radon is in our state.  
25       Like I say, we have been the sacrifice zone for the

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1 nation for the last 50 years, and at one time it was top  
 2 secret. Well, we don't like the secret no more and we want  
 3 it stopped.

4 PRESIDING OFFICER: I think we have a copy of that.  
 5 I think that's one of ours.

6 KATHERINE MONTANO: Well, why don't you listen to  
 7 what you write, that we are very contaminated in our own  
 8 state.

9 PRESIDING OFFICER: Thank you.

10 KATHERINE MONTANO: Remember, we are a part of the  
 11 United States.

12 PRESIDING OFFICER: Thank you very much. I  
 13 appreciate it.

14 EDUARDO PABLO ZARAGOZA: My name is Eduardo Pablo  
 15 Zaragoza. I am a native New Mexican and my concern about  
 16 nuclear waste it that it is going to be transported into New  
 17 Mexico and through New Mexico, is because no amount of  
 18 radiation is safe. No amount of radiation is safe.

19 I'm also concerned about the type of carriers that  
 20 is going to be transporting this nuclear waste. Is it going

21 to be a private carrier or is it going to be a federal

22 carrier or a military carrier.

23 If it is a private carrier, they are going to be

24 required to stop at a port of entry where they will be

25 inspected by our state inspectors for safety and leakage of

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1 containers and the condition of the driver. So if there's  
2 anything wrong, the inspector will be right there at the  
3 scene of the problem before it enters the state.

4 But if it is the military carrier, then these boats  
5 are not required to stop at the port of entry which bothers  
6 me now. They will begin the free ride through the state  
7 because they are not required to stop at the ports.

8 There will no inspection for possible leakage or  
9 bad equipment or drivers. We have a report of leakage load  
10 at Kingman, Arizona. Also, 15,000 metal boxes of radiation  
11 waste have been shipped from Vernal (sic) to Nevada test site  
12 since 1985. And they say that only eight boxes leaked before  
13 this week.

14 But leaky boxes were found in four of seven trucks  
15 that were sent from Ohio state site to Nevada in December  
16 1997. The reason they claim these boxes have leakage is  
17 because of faulty welding seams. Plus the fact that there is  
18 no law enforcement agency in New Mexico that has the  
19 authority to stop and check these loads. So what action are  
20 we able to take if the federal carrier is leaking on our

21 interstates?

22           We are worried. If terrorists unleash -- some of  
23 these highways are not more than 100 yards from high schools  
24 such as Bernalillo High School, Albuquerque high school,  
25 Belen high school, and an elementary school in Carlsbad.

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1        These loads will pass by an elementary school. How  
2 are we going to protect the students from these schools if  
3 there is an accident? What kind of preparation has been done  
4 for safety and training of the students and faculty?

5        Other crucial questions involve where the federal  
6 loads will be stopped to rest and eat on our interstate  
7 highways. People must stay away from these trucks.

8        We would like to know where the driver is going to  
9 be stopping so we can stay away. Five percent of the  
10 containers can emit 1,000 reams per hour. We have very  
11 little capability to prevent these containers from leaking.  
12 Winter driving conditions on I-25 at the Raton Pass and La  
13 Bajada Hill are very hazardous as it is very steep downgrade,  
14 and one patch of what we call black ice cannot be seen.  
15 Guarantee the truck will be out of control.

16        Where are these loads going to be parked if the  
17 weather is bad and they can't get through. What precautions  
18 are done in case of accident along those hazardous driving  
19 conditions.

20        Are first responders trained for this type of

21 carrier, the answer is no. Our state's accident prevention  
22 and response program are designed for the average accident.  
23 This is a concern for all New Mexico port of entries, which  
24 by the way, how will they be protected in case of a sniper or  
25 terrorist attack? What kind of escort are they going to have

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1 to protect themselves and us against this threat?

2 The containers by nature are of concern also. They  
3 have been -- the EPA has been testing three containers and  
4 out of the three only one is partly safe and is not designed  
5 to protect the public from the worst possible accident. Any  
6 container more efficient would be too expensive. This is not  
7 a time to be thinking about expense when human lives are at  
8 stake.

9 PRESIDING OFFICER: I'm sorry to interrupt. Your  
10 time is up if you could finish.

11 EDUARDO PABLO ZARAGOZA: These containers will be  
12 used over and over again. It's not like if these containers  
13 are going to be shipped to the WIPP site and disposed at WIPP  
14 site. They will be used over and over again.

15 I repeat, no amount of radiation is safe. The only  
16 thing worse than an atomic bomb is moving the waste from  
17 Point A to B, but that is exactly what we are doing with this  
18 WIPP project. Who's going to be responsible for the safety  
19 and protection of the people of New Mexico, and what power do  
20 we have to protect ourselves? Thank you.

21        PRESIDING OFFICER: Thank you very much for coming.  
22        Is Ernest Garcia here?  
23        (No response.)  
24        PRESIDING OFFICER: Jeanne Carlston?  
25        (No response.)

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1       PRESIDING OFFICER: Lily Rendt?

2       LILY RENDT: My name is Lily Rendt. I have  
3 affiliation with many different organizations. They  
4 include -- it's on the front page of the packet I gave  
5 you -- American Society of Mammalogists, Audobon Society,  
6 World Wildlife Fund, Defenders of Wildlife, National Wildlife  
7 Federation and National Council of Teachers of Mathematics,  
8 to name just a few.

9       I have been in the wildlife business just about all  
10 of my life. What I'm presenting here in this, this packet  
11 that I gave you was supposed to be my speech to the laymen  
12 here in this facility. I have another one that I'm preparing  
13 which is on a mathematical statistical basis, which is about  
14 a higher level, but I have a summary and I'm going to read  
15 the summary. Anytime I have left I will deal with the  
16 packet.

17       PRESIDING OFFICER: Okay. We'll put your whole  
18 packet in the record.

19       LILY RENDT: Thank you. These are the points that  
20 I would like to make in regard to the procedures used by both

21 EPA and the DOE. I am not quite familiar who did what at  
22 times, and so I just put it into a general summary.

23 Now there are many aspects of WIPP, but the one I  
24 am dealing with specifically is the one dealing with the  
25 wildlife surveys which were done on the WIPP site or rather

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1 the lack of follow-up of the surveys after about 1885 to  
2 1889.

3 Up to that time, I see some integrity in the  
4 surveys. After that I do not. It is that which concerns me.  
5 I think after -- I don't know exactly when Tell (sic) came  
6 into the picture. It is not stated anywhere when they began  
7 to assess the environmental biota on the WIPP site. However,  
8 I do know that these people came down from Washington. I  
9 think they knew little about our local biota. I don't think  
10 they had the concern for the biota that the people of UNM,  
11 New Mexico tech and Las Cruces had. And for that reason I am  
12 concerned about it.

13 I think that a lot has been passed up, a lot has  
14 been sort of fudged over, but even on the original surveys, I  
15 notice today -- I only got this information today at the EEG  
16 office, and I notice on a map where it said GEMN, that  
17 particular type OF site with a little square on a map was  
18 when they were dealing with animals.

19 There were some that were done with flora which  
20 were quite adequate at that time, but the ones that were

21 dealing with animals were only in circle 1 of the WIPP site,  
22 which is the immediate site, and that no work was done on any  
23 intensive capacity on the sites that were on the outside  
24 interior exterior of the immediate WIPP site and this  
25 concerns me.

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1        Now there were some very peremptory studies done  
2 with hawks, raptors and the raptor monitoring is somewhat  
3 adequate, but they don't include the kyte, and the kyte has a  
4 migratory path right through WIPP, which they missed entirely  
5 because of the times of the year when they were doing their  
6 studies.

7        Also, the loggerhead shruck. These are both  
8 raptors. They are small raptors, very small raptors but were  
9 ignored entirely, especially in the later in the later  
10 scenario.

11       Now, I want to list in brief a 12 point summary the  
12 things that I noticed about the surveys and the way they were  
13 done. Misrepresentation of accepted biological procedures  
14 for environmental evaluation compared for teachers use by  
15 other groups of biologists. This is a specially true of  
16 endangered species surveys, and maybe illegal under federal  
17 law.

18       Waste of taxpayers money by printing and  
19 accumulating data that is worthless and is presented without  
20 proper clarification and interpretation. Lack of completion

21 and follow-up of data and being selective by using biota  
22 which corroborates a point of view. Deleting facts which do  
23 not favor data desired rather than investigating why it is  
24 present.  
25 Confining surveys to such time of year as would

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1 favor conclusions would fit preconceived results. Allowing  
2 Muscat (sic) to abdicate credibility levels which are  
3 unacceptable to the public and to other biologists. Lack of  
4 compensation for losses, road damage, loss of wildlife and  
5 endangered species, land withdrawals, radioactive  
6 contamination, et cetera.

7       If we lose something, we must be compensated for  
8 it. I think this lady over here said it too. If we must  
9 lose, then give us something in return. Misrepresenting data  
10 and not gathering vital data for the problem at hand and not  
11 supplying adequate literature and accessibility at designated  
12 reading rooms.

13       I went down to UNM and I wanted to get some biota  
14 data. There was none available. I went to EEG today finally  
15 and I found all kinds of it. Now that's not fair, because  
16 EEG wanted to throw me off. I went in there and I said I  
17 wanted to do something on biological surveys. She had  
18 biological surveys, she said there is nothing. I said, don't  
19 tell me there is nothing. I said, there is lots of data and  
20 I told her about some of the -- oh, she said oh, you mean

21 ecological monitoring. What's the difference.

22           So she had to take my into the library and I got a  
23 little bit of information, but I had to come down here and so  
24 I didn't have time to really peruse it adequately.

25           Responding to public comments in a condescending

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1 manner with negation and lack of understanding for the true  
2 meanings being projected. Now this lady complained about it,  
3 I heard it again and again, and I've looked at those  
4 responses very thoroughly. I looked at my own certainly, and  
5 it showed lack of understanding of what I was trying to say  
6 and what I was trying to address. It negated the important  
7 issues and it didn't deal with important issues on the  
8 responses, and it dealt only with very superficial  
9 interpretations of what was being said. Refusing to give  
10 adequate time for an educated presentation unless the  
11 presenter is connected to what the EPA conceives of as a  
12 favorable organization.

13 Most of the people who are up here are stopped  
14 before the end of the time. I happen to have ten minutes  
15 today, but some of the people can't get it in five minutes,  
16 and so they summarize their results until it looks inane.

17 I spoke to a man at EEG and he said I have to cut  
18 down mine, I don't have enough time to give what I want to  
19 give. This has been said again and again. I mean you people  
20 are paid, we're not paid, we're willing to come down here,

21 give our time to give you information that we think is vital,

22 and you're not willing to listen for more than five minutes

23 at a time.

24 Ridity in method when flexibility is called for

25 and too much flexibility when the situation calls for

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1 consistency. Here are some examples. No changes in the  
2 acceptable levels for harmful chemicals through medical  
3 criteria, though medical criteria have changed rapidly and  
4 changing the purpose of nocturnal animal surveys to the  
5 Hantavirus without taking vital statistics about the animals  
6 trapped and studying.

7       Now all of a sudden there were no more nocturnal  
8 animal surveys. All of a sudden they were all geared to the  
9 Hantavirus. Well, the Hantavirus is important but the people  
10 working on the Hantavirus were Terry Gates and his crew at  
11 UNM, and they had nothing to do with the biological surveyors  
12 who were paid by WIPP to survey that land. They could have  
13 still done it and they could have used the Hantavirus data to  
14 get more comprehensive studies of the animals trapped,  
15 because they had one Silky Pocket Mouse for 1989, and I know  
16 there were more than one Silky Pocket Mouse on that whole big  
17 WIPP preserve in 1989.

18       Recruiting biologists from out of town at high cost  
19 and not utilizing the voluntary facilities within the state.  
20 You have spent quite a bit of money doing the surveys,

21 supposedly objective, but not really objective. But we have  
22 people within our state that are very, very reliable and  
23 very, very honest with lots of integrity.  
24 All three of our major universities certainly  
25 have -- I've spoken to some of the people in Portales in

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1 regard to the Armadillos, and they know what they are doing.

2 They know what's there and what's not.

3 Eastern is probably the closest to Carlsbad. It's

4 just down the road, and yet it wasn't really done or no one

5 was really consulted after about '89 except for the raptors

6 and the nocturnal animals which were not really handled in an

7 adequate way.

8 Now there's even some feeling for me that

9 endangered species are not the only species around, but if we

10 talk about endangered species, what about the Swift Fox?

11 They have found skulls of Swift Fox on the WIPP site and they

12 are not addressing the Swift Fox, which is a nocturnal

13 animal. Why are they dealing only with mice?

14 There are so many discrepancies that I don't even

15 know where to begin but let me read at least a little bit.

16 PRESIDING OFFICER: Ma'am, I'm sorry, your time is

17 up.

18 LILY RENDT: Is it up? I wish I could say more.

19 PRESIDING OFFICER: Well, I say for you and

20 everybody else, we'll put your written materials in the

21 record and we'll all read it.

22 I just wanted to mention to everybody that all the

23 material we get in writing, either at the hearing or after

24 the hearing, we read and pay as much attention to as whatever

25 you say here, so I hope, because we're stuck with these five-

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1 and ten-minute rules in order to make sure that everybody has  
2 a chance to speak, that we're not limiting you.

3 Obviously you have a lot of information. We want  
4 to get it and we will read it and pay attention to it before  
5 we make the final decision.

6 LILY RENDT: The trouble is not everyone is  
7 literary.

8 PRESIDING OFFICER: I think some of the people we  
9 skipped earlier are here, but we've been going for a couple  
10 of hours. We're going to take about a ten-minute break and  
11 come back at say five minutes after 2:00 and start again.

12 (A SHORT RECESS WAS TAKEN.)

13 PRESIDING OFFICER: Let's get started again.

14 First now is Ernest Garcia.

15 ERNEST GARCIA: Good afternoon gentlemen, ladies  
16 and gentlemen. My name is Ernest Garcia. I'm national  
17 chairman of Contaminated Veterans of America. I have been in  
18 a struggle endeavor trying to find resources to try to  
19 alleviate the problems that we have picked up while in the  
20 military.

21 I'm also a member of the Atomic Veterans. We're  
22 people who were used as experimental subjects during the cold  
23 war era and also participated as code operators. I myself am  
24 an ex-military intelligence code operator who myself  
25 disseminated and did many code operations both inside and

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1 outside of the United States.

2 Since then, released from the Secrecy Act of 1996,  
3 after a terrific battle with Congress in Washington, we  
4 successfully succeeded. By that bell, so embarrassed became  
5 the United States that the president of the United States  
6 put together a committee of almost its entire cabinet to  
7 investigate the allegations of who was making them, and it  
8 was headed by Dr. Ruth Baten from the University -- well, you  
9 people are familiar with her -- University of I can't  
10 remember.

11 But anyhow, the question of your asking this  
12 committee over here in regard to the transporting of  
13 radiation through the state of New Mexico is one of what  
14 impact is it going to have on population over here. Being  
15 that we have such an enormous knowledge of what could be  
16 residuals of some incidental problems, I know the federal  
17 government's already made up their mind that it's going to  
18 happen and it's going to go through here.

19 We need to have some answers, some questions  
20 answered that I myself, including some of us that have

21 already been hurt by exposure to radiation so badly, is there  
22 a way that the federal government is going to deal with this  
23 incidents of all of these problems we're going to have,  
24 because it's almost impossible that you can be running the  
25 roads of New Mexico and not have these kinds of accidents

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1 we're anticipating to have here in New Mexico that will  
2 release some of this radiation that is so aggressive and  
3 immediately become a problem.

4       Recently a driver, as you well know, from Missouri  
5 to Las Vegas, Nevada was supposed to have been a driver, as I  
6 understand -- we're staying on top of everything. I  
7 understand it was actually the vehicle was loaded up with  
8 some actual contaminants that we know, by fact and by our own  
9 tests that the truck, since it left Missouri, the state of  
10 Missouri, I think, it disseminated and released contaminants  
11 all the way down to Nevada and still was releasing  
12 contaminants when it went back the other way, that is went  
13 back east.

14       We're concerned about this. Is it the federal  
15 government making plans already to have an excuse why not to  
16 respond to possible releases of radiation or what is it? We  
17 would like to know. The reason for that is that it has  
18 impacted me and my family and many of my colleagues so  
19 terribly bad. We live such a terribly distorted life that we  
20 need to know what is going to happen to me when those trucks

21 go right by I-40 right next to the populated areas of  
22 Albuquerque.  
23 We would like to know whether this committee has  
24 some way that you're going to respond to us on all of these  
25 questions we're asking here on how it's going to be done. I

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1 would like to have a copy of that response.

2 Let me give you a little synopsis of what radiation  
3 can do to a population. At least for myself, I myself have  
4 scars all over my body here. I have a radiated thyroid that  
5 I live with. I have a brain cancer in remission. I've had  
6 nine tumors been removed off of me. I've lost six children  
7 of eight children I've had. I have two children, and one of  
8 my children has had three children, two of them girls. One  
9 of them, 16 years old, has already developed cervical cancer.

10 The residuals of radiation goes on for five  
11 generations. That's as far as it will go. But I have a  
12 vested interest in what's going to happen in New Mexico.

13 We also know that New Mexico and the Atomic Energy  
14 Commission in the early parts of the development of the  
15 atomic bomb, did four detonations in the state of New Mexico.  
16 That's something that most people don't know, but I know  
17 because I was an intelligence -- now released. All of you  
18 know it's been done.

19 And New Mexico has become a state that it has been  
20 perceived as a state that everybody in here is expendable,

21 that we mean nothing. Everything that happens dirty happens  
22 in New Mexico. We would like to have some kind of time limit  
23 as to when it is going to stop or it's going to make it  
24 inhabitable at some time or another.  
25 We, the Atomic Veterans, for example, we are

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1 concerned about that. We would like Secretary Pena to  
2 respond to the enormous amount of denials that you people  
3 have put on this, and in spite of all these residuals I'm  
4 telling here is that's what is going to happen if we have an  
5 accident as the vehicle goes through the state of New Mexico  
6 and releases all of these contaminants?

7 Do you have a standby plan by which we're going to  
8 control how it going to happen? What is going to happen to  
9 us? Do we know that?

10 Most of our people here and many of us are  
11 illiterate. Many of us are remote out there. Many of us are  
12 old. We don't have a plan to get out there and protect  
13 ourselves from all of these problems. We need to know how  
14 you are handling those things before you start moving this  
15 stuff through our highways.

16 We want to know the routes you're going to take,  
17 which people are going to be the most vulnerable. We  
18 ourselves knowing what would happen and how to handle that  
19 would like to be a part of this plan of trying to protect the  
20 population as it goes out.

21           There's no way of trying to stop it because it is  
22 not going to be stopped. This is nothing more than a  
23 formality that's happening right here. Let's admit it. But  
24 what we want to know is what's going to happen if it doesn't?  
25           I think I said pretty much a lot of things. I

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1 barely had ten minutes to introduce myself, but I thank you  
2 very much for listening, and I hope that you follow up. If  
3 you want my address, I would gladly give it to you so you  
4 could at least give a trip, because we have international  
5 connections if we want to disseminate this information.  
6 Thank you very much .

7       PRESIDING OFFICER: Thank you very much.

8       MR. MATTHEWS: Could I just make some comments.  
9 The point that you made with respect to this just being a  
10 formality, I think that I would like to clarify that  
11 somewhat, because I'm with the Office of General Counsel, and  
12 our office is separate from the Office of Air and Radiation  
13 which is actually doing the rulemaking. We provide legal  
14 advice and counsel to that office as they are doing their  
15 rulemaking.

16       The agency has specific legal obligations in  
17 conducting the rulemaking of this sort and this is a very  
18 important aspect of that entire process, the gathering of  
19 comments, whether those comments are oral or whether the  
20 comments are written and submitted to the agency. And the

21 agency has to deal with all comments that are submitted in a  
22 very substantive fashion.

23 Part of my role, my job is to make sure that the  
24 office of Air is actually addressing those comments in a  
25 legally responsible manner.

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1           A second point, a further clarification is that  
2 there's also recourse in the courts. If this is just a  
3 formality and if the agency doesn't take comments seriously,  
4 comments are raised, and I know comments had been raised by  
5 Mr. Hancock, we will receive comments later by Ms. Greenwald,  
6 by the Attorney General. If those comments are not  
7 adequately addressed and responded to by the agency, then the  
8 agency's facing a very real possibility of having any  
9 decision it makes overturned in the courts. So I really  
10 would like to caution you about considering this to be just a  
11 formality. It really is a legal process and the agency has  
12 to do its job right.

13           ERNEST GARCIA: Perhaps it was misquoted and I  
14 apologize for the way that you might have received it. It  
15 has been my experience before that on many, many occasions we  
16 make some comment of this nature to be updated and upgraded  
17 and so on, and we have been totally denied or actually not  
18 responded to. That's what I really meant, that I would like  
19 to have a follow-up on this thing at least for our benefit.

20           It wasn't my intention to downgrade you people as

21 to what your purpose was here, but rather hopefully it is not  
22 a formality, if that's what you meant.

23 But I hope that it doesn't turn into a formality.

24 I hope it is as serious as it is serious to us. This is a  
25 very, very serious thing to us, and I hope you take it as

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1 such.

2 Please forgive me if you have taken it a different  
3 way.

4 MR. MATTHEWS: I didn't take it like that. I just  
5 don't want you to have the feeling that you're wasting your  
6 time here. This is not a waste of your time. This is a very  
7 important process.

8 ERNEST GARCIA: Well I hope not because we are  
9 immobilizing ourselves to really make it over here nationwide  
10 somehow to control the proliferation of all of these  
11 chemicals and also radiation releases that we can no longer  
12 tolerate anymore releases. Because we know from personal  
13 experiences, as you well do, that there is we're in the  
14 living tower.

15 PRESIDING OFFICER: If you would get us your name  
16 and address, we'd be happy to get back to you and we'll also  
17 connect you up with the right people here in the state of New  
18 Mexico and with Department of Energy and Transportation if  
19 you're dealing with transportation issues you raised.

20 ERNEST GARCIA: My information has been

21 disseminated to such an extent that I've gone on a speaking  
22 circuit at several universities and also assisting the  
23 federal government with some of the information that has been  
24 destroyed through federal government, and I will continue to  
25 do that, because I think it is important. And we have

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1 information that is very, very valuable to you people. That.

2 We're here to make friends with you, not to make  
3 enemies. We're together to try to solve a very, very serious  
4 problem here. We want you to understand that. We need to  
5 work together. We need to resolve the problem. Who will  
6 take my name and address, the gentleman here?

7 PRESIDING OFFICER: Yes.

8 Is Jeanne Carlston here?

9 (No response.)

10 PRESIDING OFFICER: Is Joe Tilleison here?

11 JOE TILLEISON: My name is Joe Tilleison, and I  
12 thank you for the opportunity to present my opinions here.

13 My background is in structural mechanics, that is  
14 structures and what happens to them when you load them and  
15 conform them. And I have worked for more than 15 years in my  
16 career in developing and conducting experiments and designs  
17 for the safe disposal of nuclear waste.

18 I work for and employed by Sandia Laboratories, but  
19 I'm here today as a private citizen. My position is that an  
20 effective solution has been developed and is here for the

21 safe disposal of significant portion of our nation's nuclear  
22 waste, and that the time is now for a positive decision.  
23 There are four points that I will cover that I believe are  
24 particularly relevant. The first point is that effective  
25 regulations have been put in place to assure the repository's

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1 performance. In attempting to conduct my own evaluations of  
2 the sealing of the repository and simulating the rock  
3 mechanics behavior of the salt, we continually ask ourselves  
4 now what if we can beat the regulatory requirements. In  
5 particular we've concentrated on those set forth for the  
6 long-term performance of the repository.

7 By concentrating on the system requirements that  
8 you have set forth for the repository, EPA promulgated in the  
9 public arena a regulation that effectively limits the  
10 potential exposure of our society to release this from the  
11 repository. The releases allowed are quite low. In  
12 addition, the probabilistic approach that you have mandated be  
13 used requires consideration of a myriad of potential  
14 scenarios for release. And finally specific factors related  
15 to the WIPP site such as the fact that it's saline water in  
16 the water bearing zones versus potable water, things like  
17 that lead to very, very low releases and associated  
18 consequences.

19 My second point is that a robust repository design  
20 has been provided to you. From the perspective of long-term

21 containment of these materials, this WIPP repository offers  
22 many features that contributes to this robustness. First of  
23 all, it is within salt and I will not reiterate any  
24 discussions of the effectiveness of salt as a repository  
25 meeting.

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1           Secondly rather than placing the repository at the  
2 shallowest depth, i.e., the cheapest solution available, the  
3 horizon was appropriately selected to provide several hundred  
4 feet of salt both above and below the repository to help form  
5 the cocoon to isolate the waste.

6           In addition, the repository was further designed to  
7 compartmentalize the waste with the repository in eight  
8 separate panels with seven rooms in each panel. Seals are  
9 provided between panels with exits and entrances to every  
10 panel to help isolate the waste.

11           And finally, techniques for sealing the shafts have  
12 been chosen that are exceedingly robust. Multiple commonly  
13 used materials are used with each one with low -- available  
14 technologies rather than new technologies were adapted at the  
15 WIPP to assure you really construct the seals.

16           Finally, the entire length of the shaft within the  
17 salt formation was used for buttressing, but it could easily  
18 be argued that shorter seals would provide adequate  
19 capability. These and other features made the design of WIPP  
20 very robust.

21           The third point is the conservative analysis  
22 assured the performance of the repository. In the areas  
23 where I have had responsibility, we have had numerous  
24 discussions about how conservative do we need to be versus  
25 how much exactly on target the analysis should be.

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1           Invariably when you have slight conservatism or  
2 even significant conservatism at each step along a process,  
3 you end up with a system. I do not apologize for that.

4           Examples in my area of where we have used  
5 conservative assumptions or in not taking credit for the long  
6 term performance of concrete in the shaft seals. Similarly  
7 no credit is taken for the radionuclide capability and  
8 retardation capabilities of the plates within the seals.  
9 That affect is that the provide an approach that's  
10 appropriate, and height of assurance performance will be at  
11 least as good as the performance that predictions indicate.

12          The final point that I make is that the process,  
13 while it's been frustrating at times of multiple oversight  
14 groups works. That process has given us technical oversight  
15 by numerous responsible groups to assure the integrity of the  
16 evaluations that have been put forth and put into your hands.

17          My first experience with that was in the mid 1970's  
18 in testifying before the New Mexico Governor's Committee on  
19 Technical Excellence. Numerous evaluations by the National  
20 Academy of Sciences panel, my peer review by design

21 reviewers, et cetera, have been successfully completed, and  
22 in recently years the EPA, your staff and contractors have  
23 independently evaluated the work.

24       The net result of this has been continuous  
25 improvements in the quality of the information used for

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1 making decisions.

2 In closing I return to my original statement that I  
3 earnestly believe that an effective solution is here for  
4 disposal of a significant portion of our nations nuclear  
5 waste and the time is now for a positive decision. Thank  
6 you.

7 PRESIDING OFFICER: Thank you very much for your  
8 testimony.

9 Next is Roberto Ribal.

10 ROBERTO RIBAL: Good afternoon. My name is  
11 Roberto Ribal and I work with the Southwest Organizing  
12 Project. The Southwest Organizing Project is a community  
13 based organization. We're multi issue, multi racial. We're  
14 now starting our 18th year of work here in New Mexico.

15 Our mission is to empower our communities to  
16 realize racial and gender equality and social and economic  
17 justice. This WIPP site is an issue of social justice for the  
18 communities of New Mexico.

19 New Mexico has long been the full site of the  
20 nuclear industry of the United States. The atomic bomb was

21 born in New Mexico, the U.S. government snuck into New Mexico  
22 to build a bomb. They came into New Mexico to mine our  
23 lands. They happened to be on Indian lands. Native peoples  
24 have been suffering for a very long time from the radiation.  
25 People have been dieing of cancers and leukemias on the

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1 reservations.

2       We see the old issues of transportation. All kinds  
3 of waste will be coming through New Mexico, through our major  
4 roads, through our major cities, through Albuquerque, Santa  
5 Fe, Roswell, through a lot of the cities in New Mexico. We  
6 see the full cycle here.

7       We even have a nuclear reactor at the university  
8 which is for the students to do their research on. Now you  
9 want to put all of this nuclear waste from around the  
10 country, and I believe it's even coming from outside this  
11 country, to put it here in New Mexico.

12       You come from back east in a lot of cases, the EPA  
13 is based in Washington obviously. There are a lot of people  
14 in this country that still don't know that New Mexico is part  
15 of the United States. People still forget that the United  
16 States stole this area from Mexico with the war against  
17 Mexico that culminated in 1848, when one-third of Mexico was  
18 taken from Mexico and put into the United States.

19       You people, it's your job to protect all U.S.  
20 citizens. We want to remind you that we in New Mexico are

21 U.S. citizens and we demand that you protect our environment.

22 Here we are again. I know personally I started

23 working with Citizens Against Nuclear Threat, as did other

24 members of our organization. We worked with Citizens Against

25 Nuclear Threat in 1976, 1977. We've been demanding that you

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1 stop the madness here in New Mexico. Stop contaminating our  
2 soils.

3 Our organization has worked to empower communities.  
4 We are not an advocacy groups, we're not a technical  
5 assistance group. We empower our communities so that our  
6 communities can stand up for ourselves and speak and make our  
7 own demands that will benefit and protect our communities.

8 As such, our communities have been standing up for  
9 a long time against the nuclear industry and U.S. government,  
10 which is included with the nuclear industry to keep the full  
11 nuclear cycle here in New Mexico.

12 We stood up in the 70's -- down in Florencia, I  
13 remember going there. I've traveled thousands of miles  
14 fighting the nuclear industry and the U.S. government trying  
15 to contaminate our country, whether it be in New Mexico,  
16 Rocky Flats, we know the catastrophe that's happened to Rocky  
17 Flats. Whether it be at Yucca Mountain in the Western  
18 Shoshone lands in Nevada, we've been all over this country  
19 trying to protect our land from nuclear contaminations.

20 In Florencia -- I don't know if you know where

21 Florencia is. Do you know where Florencia, New Mexico is?  
22 That's the original name of Carlsbad where the WIPP site is  
23 at. We're down there with our Chicano communities fighting  
24 to stop WIPP from going down there. We've stood with our  
25 native brothers and sisters on the reservations and in the

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1 pueblos demanding that the tailings be dealt with, the  
2 nuclear tailings be dealt with. Stop the mining until we can  
3 get rid of the nuclear dangers.

4       We are concerned. We stand behind our brothers and  
5 sisters in Santa Fe now who are fighting the transportation  
6 issues, the nuclear waste transportation issues. They are  
7 wanting to move the nuclear waste from Los Alamos down to  
8 WIPP. Of course, originally the U.S. government had planned  
9 to put a bypass around Santa Fe, New Mexico to keep the waste  
10 from going through town. The bypass was to go through the  
11 northwestern part of Santa Fe where I'm from, that's my home.

12       I played in the hills where they wanted to put that  
13 bypass. Now it's been gentrified horribly, there are million  
14 dollar homes. I can't even play there without getting  
15 arrested now. But now all of a sudden with these rich people  
16 in those areas, they don't want the bypass going through  
17 their neighborhood because it's an issue of money for them.  
18 They want to protect their investments, so where are they  
19 going to put the transportation through, through Chicano  
20 communities in the west side of Santa Fe.

21           We see this happening all the time. It looks like  
22 New Mexico is being picked on at all levels because we are a  
23 state which has a majority people of color. We're the only  
24 state in the nation that is a majority of people of color.  
25           As such, we see that's why we're being targeted.

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1 We see ourselves as a colony of the United States. Our  
2 natural resources, our natural resources are taken, our human  
3 resources are taken. We are controlled by Washington and  
4 outside industries whether it be the Intel, whoever.

5 We're really tired of it. I've been fighting now  
6 for 20 years and I will continue to fight for 20 more years  
7 or 40 more years.

8 My three daughters, I have raised them to  
9 understand a lot of these issues, and they will continue my  
10 work as well as a lot of other youth we have been working  
11 with for a long time. We're just getting tired of coming to  
12 these hearings at all levels.

13 You know, as I said, we empower our communities.  
14 We're not a group of scientists. We're not scientific  
15 experts and I might say that you aren't either.

16 You've heard tons and tons of testimony for over 20  
17 years showing how the WIPP site is unsafe. We support groups  
18 like Southwest Research and Information Center, CARD and  
19 other groups who have given you tons of testimony showing you  
20 how unsafe, scientifically unsafe the WIPP site is. And you

21 are empowered to protect our environment so please protect  
22 us.

23 As I said, New Mexico as a majority of people of  
24 color communities, we have seen our state being used as the  
25 dumping ground for this country. We have seen a lot of

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1 issues of social justice not being supported or honored. We  
2 see that environmental justice is not happening for us. We  
3 see no justice here in New Mexico.

4 Our communities have long stood up to protect our  
5 environment. For people of color in the state of New Mexico,  
6 we sigh issues of environment as issues of social justice,  
7 and this is a large movement, environmental justice movement.

8 If you're familiar, in I believe 1992, President  
9 Clinton signed executive order on economic and environmental  
10 justice, and they set up their principles of environmental  
11 justice. You are empowered to enforce those principles of  
12 environmental justice.

13 This WIPP site is a direct and flagrant violation  
14 of the principles of environmental justice, and we invoke  
15 those principles and demand that you protect our environment.

16 This isn't a political game for us. We don't stand  
17 to make money as others do. Sandia Labs, Kirkland Air Force  
18 base, Los Alamos, they make money off the nuclear industry.  
19 We don't. I don't get paid. I haven't been getting paid for  
20 20 years to come and demonstrate to express my opinions and

21 trying to protect our state from the nuclear industry.  
22 What we see is with environmental justice we see  
23 the problems of deciding enforcement and regulation problems  
24 that always negatively impact communities of color, whether  
25 it be in Dallas, Texas. EPA has had different regulations

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1 for the amount of lead being allowed into environment in  
2 African communities, where in the white affluent communities  
3 in Dallas they are much stricter. That's environmental  
4 racism. We see environmental racism here in New Mexico when  
5 you continue to dump in our communities of color.

6       Floresencia was historically a Chicano community.  
7 This wasn't part of Mexico, after all, so our communities  
8 have long charged the EPA with environmental racism. And  
9 racism is racism.

10       We charge the EPA with racism, and we demand that  
11 you stop WIPP. Protect us from the DOE, from the nuclear  
12 industry and any other people that want to dump these nuclear  
13 wastes on our communities. Thank you very much.

14       PRESIDING OFFICER: Thank you.

15       Next is Ann Halter.

16       ANN HALTER: Thank you very much. My name is Ann  
17 Halter. I don't come to speak to you today as an informed  
18 person, but I am here as a concerned person. I think I  
19 picked up on a solution about the actual WIPP site in the  
20 half hour it's taken me to arrive here and walked from the

21 parking structure with a gentleman from DOE, and then sit  
22 with a friend of mine who happens to do work in this area,  
23 than I had known about WIPP, the actual WIPP site prior to  
24 coming today.

25 But I'm here as a parent of two children. In my

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1 professional life I'm an attorney and I represent children  
2 who are in abusive life system here in New Mexico, so I come  
3 from a perspective of having the sympathy and empathy and  
4 concern for children and other vulnerable populations. And I  
5 have to agree with some of the concerns expressed by Mr.  
6 Ribal, and I don't know but I've listened to what he had to  
7 say. An even though I, myself, am a transplant from the east  
8 coast and have chosen to make New Mexico my home, I can see  
9 that some of those issues are real issues.

10       When you have a state that has a population that is  
11 historically unempowered, native populations that have been  
12 stripped of many of their cultural and physical attributes by  
13 having their lands diminished, their languages wiped out,  
14 things of have nature, I think anyone who's empathetic an  
15 educated person, has to recognize that those are real issues  
16 for real people.

17       However, and many of the people that I know from  
18 the east do think that I have moved out of the United States,  
19 I think it is a good thing that our license plates say New  
20 Mexico, U.S.A. on them. And as a part of the United States

21 and citizens of this country, we have to take some part of  
22 the responsibility for dealing with this problem of nuclear  
23 waste that's going to be with us for generations beyond  
24 counting.

25 I'm not going to speak about the technical aspects

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1 of the waste site, because as I said I really had little  
2 information about that. But as a member of the public, I  
3 would urge EPA to use every means at its disposal to educate  
4 the public. I think you're fighting against a history of  
5 perhaps outright deception by the government about things  
6 that have gone on in the nuclear industry, tests that were  
7 performed without people's knowledge, accidents that happened  
8 that were not revealed. Remedies that perhaps could have  
9 been taken that weren't. That leaves people with suspicion.  
10 It leaves people with some information but not full  
11 information.

12 To address people's concerns I think you have to  
13 take every opportunity to educate people about what the facts  
14 are, not what some of the facts but what all the facts are.

15 As a mother, if there were a nuclear material  
16 convoy traveling near my home, I would want to know about  
17 that. I think what you need to use are materials that people  
18 are used to paying attention to these days like video  
19 presentations, call town meetings along the route and say  
20 come watch this video so that we've tell you about the safety

21 precautions that we've taken, about what is going to happen  
22 if there is an accident. What you should do; what you should  
23 do with your children if there's an accident.  
24 I think that there isn't any way that lay people  
25 can adequately inform themselves about the scientific aspects

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1 of the project and all the of the pros an cons, but I think  
2 that if you treat citizens with respect, if you recognize  
3 that their concerns are valid, and I appreciated Mr.  
4 Matthews' comments that this is not just a formality, but I  
5 think that if you look at it from the perspective of people  
6 who live here, who have made this our home, who have nuclear  
7 waste dumps virtually in our backyard, upwind, downwind  
8 everywhere, there's bound to be a lot of anger about that, a  
9 lot of confusion.

10 We had a gentleman stand here and show you scars  
11 that he bears from government action. So address that up  
12 front. Give people more information rather than less and  
13 perhaps admit that we don't know all the answers, but let the  
14 government, which is supposed to represent us all, has done  
15 the best it can. Thank you.

16 PRESIDING OFFICER: Thank you very much. Those  
17 were some good ideas. Louise Bower. Is she here?

18 (No response.)

19 PRESIDING OFFICER: Robert Hoffman.

20 ROBERT HOFFMAN: Mr. Chairman, member of the

21 committee my name is Bob Hoffman. I've lived in New Mexico  
22 50 years. Forty of those years I've worked in the area of  
23 economic development, having served as Secretary of Economic  
24 Development of Tourism for the state of New Mexico.  
25 In a directors meeting in Carlsbad 22 years ago, I

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1 was there for the groundbreaking. I'm surprised the project  
2 is taking this long, to tell you the truth.

3 As soon as visitors were allowed, I went back to  
4 Carlsbad, I toured the site, heard the presentation and was  
5 very impressed with the safety factors that have been taken  
6 in the building of WIPP.

7 I came back and told our members I now serve as  
8 head of a group known as the Economic Forum, which is 100  
9 chief executive officers in Albuquerque, and we have  
10 operations in most cities in the state.

11 The companies employ over 100,000 New Mexicans.  
12 We've had two presentations from Westinghouse in relation to  
13 this project for a group. And I took a majority of our  
14 people down to Carlsbad about three years ago, had  
15 presentations, took a tour of the facility and the group was  
16 really impressed with what they saw.

17 After hearing the presentations and going down and  
18 seeing the facility in person, came up with the following  
19 resolution:

20 The Albuquerque Economic Forum recognizes the

21 importance of the long term and safe storage of materials  
22 used in the manufacture of nuclear weapons, and the  
23 Department of Energy has created a repository for this  
24 material at the Waste Isolation Pilot Plant in Carlsbad, New  
25 Mexico, and this material consists of large volumes of

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1 typical manufacturing materials contaminated with radioactive  
2 compounds, and the Department of Energy and Sandia National  
3 Laboratories have studied and characterized the Carlsbad site  
4 for its suitability for storing this material safely for a  
5 period of 10,000 years, and the studies leading to these  
6 conclusions have been conducted over a period of 22 years and  
7 have been supported by experiments in the actual waste  
8 disposal area, and with EPA and the State of New Mexico  
9 approval, waste can start to be stored at the WIPP site  
10 starting May 1998, and opening WIPP assists in cleaning up  
11 nationwide problems in sites contaminated with radiation.

12 Now therefore, be it resolved that the members of  
13 the Economic Forum unanimously support approval of the WIPP  
14 for storage of this material starting in May 1998.

15 Thank you.

16 PRESIDING OFFICER: Thank you very much.

17 Next is Pat Tyrell.

18 PAT TYRELL: Good afternoon. Thank you Mr. Wilson  
19 and members of the committee. My name is Patrick Tyrell and  
20 I am Executive Director of the National Association of Social

21 Workers in New Mexico. We represent about a thousand social  
22 workers throughout the state.

23 No profession is more aligned with the protection  
24 of children than is that of social workers. We have long  
25 been associated with being involved with protecting abused

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1 and neglected children, recognitions those children who are a  
2 threat of abuse and exploitation.

3 We have been strong advocates in terms of child  
4 welfare and have had many achievements in that process along  
5 in representing our nations most vulnerable population.

6 It is because of this role in terms of protection  
7 and adequacy as far as children are concerned that we state  
8 our opposition to the WIPP project.

9 The WIPP project constitutes a form of child abuse.  
10 In the sense of a potential hazard and accident that may not  
11 occur this year but may occur well beyond our own lifetime, I  
12 am particularly disturbed in terms of looking at the accident  
13 potential, the lack of safety standards in terms of what this  
14 means for our children -- not just our present children but  
15 also for future generations of children.

16 It also very much disturbs me that in this whole  
17 decision making process that children are not -- do not seem  
18 to be involved in the decision making process. We as adults  
19 are somewhat affected by this decision, but clearly when you  
20 look at the long range potential, it is our children and the

21 future generations of children who will be most seriously  
22 affected, and that doesn't seem to be involved or addressed  
23 in this whole decision making process.

24       Until we are able to bring in that group, the most  
25 vulnerable in this process and to make sure that they are

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1 adequately protected in this process, we will continue to be  
2 opposed to the WIPP project. Thank you.

3 PRESIDING OFFICER: Thank you very much.

4 Next is John Carley. Is Mr. Carley here?

5 (No response.)

6 PRESIDING OFFICER: Dr. Dan Kerlinsky.

7 DR. DAN KERLINSKY: My name is Dr. Dan Kerlinsky.

8 I represent New Mexico Physicians for Social Responsibility  
9 with 100 physicians in New Mexico and 10,000 nationwide.

10 Our group is against opening WIPP until all the  
11 environment, health and safety issues related to waste  
12 handling, packaging, transport and storage have been  
13 resolved. We do not feel that the issues have been  
14 adequately addressed at this point.

15 Despite decades of concerns about major water  
16 intrusion into the WIPP site, the major release scenarios  
17 have not been adequately analyzed. Water flooding, drilling,  
18 gas or brine intrusion must be better analyzed and better  
19 mitigation measures must be developed. The possibility of  
20 catastrophic failure at WIPP with the release of 100,000 to

21 millions of curies is still present.

22 Tens of thousands of gallons of fluid injection

23 from oil drilling can move laterally into the site from

24 outside current boundaries. The boundaries of the WIPP site

25 should be significantly expended to prevent drilling on a

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1 wider safety zone.

2 I remain very concerned about the emplacement of  
3 any remote handled waste at the WIPP site. After years of  
4 reassurance that WIPP waste would be comparable to low level  
5 waste and radioactivity. This represents a severe breach of  
6 public trust. There's no reason to put extremely dangerous  
7 waste that cannot be handled directly into WIPP.

8 Should difficulties ensue in the generations ahead,  
9 this extremely hot waste will complicate efforts to get back  
10 into rooms if needed for mitigation efforts for repackaging,  
11 and the indoor air that's going to be present in the future  
12 if we have to go back in, and we'll have some very  
13 significant problems.

14 PSR remains unhappy about the decision not to  
15 shred, route and repackage all the waste. The best way of  
16 reducing the likelihood of human intrusion into the site is  
17 to lower the human interest in what will be found. Current  
18 barrels filled with clothes and tools of the 20th century  
19 will be a gold mine for future archaeologists. What  
20 archaeologist today would not dig up and open every last

- 21 barrel if an Anasazi site was found?
- 22 Shredding the materials would also handle problems
- 23 with gas generation, reduce risk of handling and
- 24 transportation and give us decades of retrievability should
- 25 problems or better options develop. No one should have to

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1 handle rusty barrels containing toxic waste.

2        Onsite storage alternatives for TRU waste have not  
3 been adequately developed, even though the SEIS concludes it  
4 is safer to leave waste where it is at the various DOE sites.  
5 EPA will be reminded of this thousands of times as the  
6 transportation begins on local opposition mounts. Lawsuits  
7 may force judicial consideration of whether or not DOE's  
8 preferred alternative is really a legal one, if it is really  
9 safer to leave this waste on site.

10       The increased time costs and handling necessary to  
11 shred, grout and repackage waste may even be advantageous as  
12 it will enable more aboveground alternatives on site to be  
13 explored.

14       Storing, shredded, grouted and repackaged waste in  
15 new above ground buildings on site is the wisest choice at  
16 the present. A collapsing waste site with corrosive  
17 materials should be a joke. Who in their right mind would  
18 bet everything geological containment without any other  
19 barriers to release? A collapsing waste site for corrosive  
20 materials for extremely long lived waste, we may become the

21 laughing stock of the 23rd century with this plan.  
22 PSR calls on EPA to take its mission seriously and  
23 not give in to political pressure from other administrative  
24 agencies or legislative representatives. Is the interest of  
25 the people that must be served. Thank you.

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1       PRESIDING OFFICER: Thank you.

2       Next is Victoria Michelle. Is she here?

3       (No response.)

4       PRESIDING OFFICER: Paul Rueckhus.

5       UNIDENTIFIED SPEAKER: He had to leave.

6       PRESIDING OFFICER: We'll watch out for him.

7       Maria Baca.

8       (No response.)

9       PRESIDING OFFICER: Don Schrader.

10       DON SCHRADER: I grew up on a farm in Illinois. I  
 11 was a Mennonite pastor in the 1960's. I first moved to  
 12 Albuquerque in June 1970 as a conscientious objector doing  
 13 alternative service during the Vietnam war. I hosted a  
 14 weekly TV program here for over five and a half years. For  
 15 19 years I have paid no federal income tax because I refuse  
 16 to pay for Uncle Sam to rob, to torture, to murder millions  
 17 worldwide.

18       The U.S. is five percent of the world's people and  
 19 consumes over 30 percent of the world's wealth. This is a  
 20 monstrous, outrageous crime against the world's poor.

21           Years ago I was spoiled rotten, but with the help  
22 of many people I woke up and I changed. What right do I have  
23 to more than I need while hundreds of millions suffer  
24 desperately on far less than they need. I lived well this  
25 past year on less than \$5500, considerably below the U.S.

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1 poverty line.

2 I'm a vegetarian. I exercise much. I refuse to  
3 own a car. I'm devoted to the golden rule, treat others as I  
4 want to be treated.

5 I strongly oppose opening WIPP. WIPP is about  
6 making it possible for Los Alamos and other U.S. death  
7 factories to continue to build weapons, to maintain, enforce  
8 and expend the U.S. empire to keep hogging the wealth of the  
9 world. That's what it's about.

10 WIPP is about aiding and abetting international  
11 terrorism by U.S. nuclear weapons. Do you in the EPA deep  
12 down in your hearts believe that the DOE has told you the  
13 truth, the whole truth and nothing but the truth about WIPP?

14 Do you believe beyond any reasonable doubt, beyond  
15 any reasonable doubt that it is safe for the next 10,000  
16 years? You know, we look back what, 500 years ago plus in  
17 Europe, how many people actually believed and the scholars  
18 there believed that the earth was flat. Now, we see how  
19 wrong they were.

20 Will scientists, if there are any people alive, 500

21 years from now, 5,000 years from now, look back and say, how  
22 could educated people be so ignorant about such deadly  
23 poison? How could they risk the future generations?  
24 In yesterday's Albuquerque Journal, a front page  
25 article says, the recent earthquakes in central New Mexico

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1 puzzle scientists. Think about that. Despite modern  
2 computers and seismology equipment and many years of  
3 earthquake research, scientists today are puzzled by these  
4 recent earthquakes in central New Mexico.

5       Do you think it impossible that major earthquakes  
6 could happen around WIPP and cause large pressurized releases  
7 of radioactive brine once or many times in the next 10,000  
8 years ?

9       Just months before Three-Mile Island catastrophe,  
10 what did the highly paid government and industry experts say  
11 publicly about the safety of Three-Mile Island? What did the  
12 highly paid government and industry experts tell the public  
13 before these tragedies: Rocky Flats, Savannah River, Valdez  
14 Oil Spill, Chernobyl, Texaco in the Amazon, Hanford,  
15 Washington, the Challenger, the Titanic.

16       The experts have demonstrated their stupidity and  
17 their arrogance repeatedly and have lied routinely. What  
18 right do I have to leave this earth more poisoned at my death  
19 from my selfish consumption than what I found it at my birth.

20       Consider the scientific discovery and the global

21 environmental changes that have occurred in the past 100  
22 years. What fool would presume to predict reliably what will  
23 happen in 10,000 years, which is 100 times 100 years?  
24 Spend some days with one child, just one child  
25 whose body is severely deformed from birth. Spend some days

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1 with one child permanently retarded from birth. Spend some  
2 days with one child languishing for years in cancer's misery.

3 WIPP, if it is opened, will be responsible for  
4 children suffering these tragedies, no doubt about it. The  
5 unanswered question is how many children will be WIPP'S  
6 victims in the next 10,000 years.

7 And then in our society many adults wonder why some  
8 kids have no shame, no guilt, no remorse for drive-by  
9 shootings.

10 When Gandhi was asked what worried him the most, he  
11 replied the hardness of heart of the educated. Education is  
12 not the answer to our world problems. A compassionate,  
13 empathetic imagination is.

14 A Jewish Rabbi in Nazi Germany said what shocked  
15 him most was not the terror of the Nazi, but the silence of  
16 the good Germans. You know there were many Germans who  
17 supported the Nazi Concentration camps and gas ovens because  
18 these handsome ovens provided jobs. And we say how could  
19 they have been so morally bankrupt. It's obvious. All we  
20 have to do is look at this.

21 Einstein said more and more I have come to value  
22 charity and love of others above everything else. All our  
23 lauded technological progress, our very civilization is like  
24 an ax in the hands of a pathological criminal. All our  
25 lauded technological progress, our very civilization is like

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1 an ax in the hands of a pathological criminal.

2 PRESIDING OFFICER: Mr. Shrader, your time is up.

3 DON SCHRADER: May I have one minute?

4 PRESIDING OFFICER: Sure.

5 DON SCHRADER: Why have even the government experts

6 original requirements for WIPP been set aside? Number one,

7 far away from major rivers and streams.

8 Two, water a factor to be guarded against no matter

9 what it's source, and the truth is there's water in the

10 strata above and below the WIPP site.

11 Number three, no area with a present or past

12 history of resource extraction other than service quarries.

13 All of this has been set aside. If we urge kids to

14 say no to dangerous drugs, have we no right as New Mexico

15 citizens to say no to the money mad pushers of deadly

16 radioactive waste shipped on our highways, through our

17 communities to be buried in our sacred soil.

18 Would you personally recommend your children, your

19 grandchildren to live next to WIPP and next to the highways

20 where this radioactive poison will be shipped?

21 All of us here today will be rotting in our graves  
22 within the next 100 years. 10,000 years is 100 times 100  
23 years. I refuse to be among those cursed by the coming  
24 generations for selfish, shortsighted, greed driven, stupid  
25 support for the premeditated random murder and misery to be

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1 caused by WIPP.

2 Are your jobs, your income to push WIPP worth more  
3 than health and well being of the children that come after  
4 us? Have you sold your conscience?

5 Store this deadly radioactive poison on site where  
6 it was generated, monitor it carefully, and make no more.

7 PRESIDING OFFICER: Thank you Mr. Schrader for that  
8 testimony.

9 Geraldine Amato.

10 (No response.)

11 PRESIDING OFFICER: Gil Brassell.

12 GIL BRASSELL: Good afternoon. I'd first like to  
13 start by saying that if we had no nuclear waste in this  
14 country, we wouldn't be to talk about it. But as we all  
15 know, there are hundreds and hundreds, maybe even thousands of  
16 pounds of nuclear waste scattered all over this country. Not  
17 just here in New Mexico but everywhere all over the country.  
18 So as a result of that we're here trying to decide which is  
19 the best and safest method of handling this problem.

20 I'm Gilbert Brassell. I am the president and CEO

21 of Nuclear Filter Technology, a small minority company

22 located in Golden, Colorado.

23 I grew up in Santa Rosa, which is about 100 miles

24 east of here, and I presently have family and friends still

25 living here. I attended the New Mexico Highlands University,

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1 received a Bachelor of Science Degree in Chemistry. I  
2 received a Master's Degree in Material Science and  
3 Engineering from the University of New Mexico here in  
4 Albuquerque, and I started my career.

5 I spend the first 15 years of my career working at  
6 three different DOE facilities. All of these facilities, I  
7 traveled extensively to every DOE facility in the country.  
8 As a result of this, I'm very knowledgeable and aware of the  
9 serious problems we face as a nation regarding our nuclear  
10 waste and stock pile.

11 The problem we have is not a local issue pertaining  
12 only to the waste or the sites where the waste was generated,  
13 such as the Los Alamos National Labs, Sandia National Labs  
14 and all the other facilities around the country. This is a  
15 national issue. We as a nation must work jointly to solve  
16 it.

17 I founded my company based on filtration  
18 technology, which is now being utilized for safe storage and  
19 of nuclear waste materials. Without the use of our  
20 filtration device, containers could possibly become

21 pressurized and cause potential problems.

22       The use of this device is only one of the many

23 safety precautionary steps being implemented by DOE to insure

24 the health and safety of the workers and to the public.

25       Other methods used to insure safe transportation of

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1 stored waste include complete characterization of every  
2 container of waste. Each container must meet strict  
3 requirements imposed by the Department of Energy, the EPA,  
4 the NRC and the Department of Transportation.

5 Any shipment to WIPP before it occurs must pass all  
6 of these strict requirements. Based on my knowledge of the  
7 industry and all of these safety requirements imposed, I  
8 firmly believe that the transportation and storage of the  
9 nations TRU waste to the WIPP facility is very safe and  
10 should proceed without further delay. Thank you.

11 PRESIDING OFFICER: Thank you very much.

12 Next is Judy Kaul.

13 (No response.)

14 PRESIDING OFFICER: Steven Melzer.

15 STEVEN MELZER: Good afternoon. I appreciate the  
16 opportunity to speak on the issue related to CO2 flooding of  
17 Science and Engineering from Texas A&M and a Master's in  
18 Engineering from Purdue.

19 Through my duties with the University of Texas  
20 Permian Basin, I've been actively working in the CO2 flooding

21 area of the Permian Basin. I've been assessing the future  
22 the CO2 enhanced or recovery in the basin, and have conducted  
23 reservoir screening studies of attempting to characterize  
24 floods and identify the location and attributes of reservoirs  
25 and the likelihood of CO2 flooding.

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1        Much of my work recently has attempted to project  
2 basin wide the position of the CO2 supply and to forecast oil  
3 production from existing in future CO2 floods. It is in this  
4 capacity that I will offer a view of how the sandstones and  
5 siltstones of the Delaware Basin Fields near the WIPP site  
6 rank in probability landscape, that is, how they compare to  
7 successful and ongoing projects currently under way and more  
8 distant from the WIPP site area.

9        From there we will travel to the issue of  
10 likelihood of implementation of CO2 flooding near the WIPP  
11 site. First let me say it is very appropriate that CO2  
12 flooding be examined. CO2 flooding is becoming a major  
13 factor in the production panorama of west Texas and southeast  
14 New Mexico. Today we estimate 140,000 barrels of oil a day  
15 are produced as a direct result of the injection of CO2.

16        This figure represents 50 percent of the total  
17 production of the basin. It is up from just 110,000 barrels  
18 a day four years ago. Based upon a recent survey of  
19 operators, I project production to grow to over 165,000  
20 barrels a day by 2002.

21 CO2 flooding industry is relatively new. The first  
22 CO2 floods were implemented in 1972, and today they are 44  
23 active flood projects. There's a \$1.2 billion pipeline  
24 infrastructure that has been constructed just for CO2  
25 flooding, and it now delivers 1.5 billion cubic feet of CO2

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1 gas to each day to the Basin's flood. If you assign this CO<sub>2</sub>  
2 a delivered value of \$.75 per cubic feet, that volume of CO<sub>2</sub>  
3 represents a billion dollars being injected into our  
4 reservoirs every few years.

5 The ancient Permian Basin region can be  
6 characterized as two smaller basins separated by a carbonate  
7 reefal platform shown in the outline in black there. The  
8 Delaware Basin is on the west, you see the WIPP site and the  
9 Delaware Basin and the Midland Basin on the east.

10 The Central Basin platform is the location of the  
11 vast majority of the floods. It is here that the Permian age  
12 San Andres dolomite reservoirs near Denver City, Hobbs and  
13 Levelland have been produced since the 1930's. The WIPP site  
14 lies west of the Central Basin platform and the rocks differ  
15 from those of the platform in being predominantly sandstone  
16 and siltstone while the platform formations are predominantly  
17 dolomite.

18 Thirty-two of the 44 active CO<sub>2</sub> floods are dolomite  
19 reservoirs. Five more are limestone reefal rocks. Those are  
20 predominantly those on the east side. Only two active floods

21 are in the Delaware Basin. You see four on the map but just  
22 two of these are actively injected CO2. All of these  
23 sandstone floods lie south of the WIPP site, just into the  
24 state of Texas.  
25 Next it is important to make an assessment of what

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1 is known as the WIPP area field. These fields are siltstone  
2 reservoirs of the Delaware Mountain, Cherry Canyon and Brushy  
3 Canyon formations. They typically produce less than one  
4 million barrels of oil from anywhere from one to 12 wells per  
5 field. The reservoir thicknesses generally are less than 30  
6 feet.

7 Finally it is relevant to compare the WIPP area  
8 reservoirs to those being flooded today and to assess the  
9 possibility of development. The Permian Basin leads the  
10 world in CO2 flood development with more active floods  
11 combined. The vast majority of the floods are carbonate. I  
12 believe the reason for this are three: The large size of the  
13 carbonate fields, the thick oil columns, and the vertical and  
14 lateral continuity of the reservoirs themselves.

15 PRESIDING OFFICER: Mr. Melzer, your time is up, so  
16 if you could wrap it up.

17 STEVEN MELZER: What we've got on this second and  
18 final slide is a balance sheet of the factors that I believe  
19 will affect whether or not the areas of the floods be  
20 developed. Positive factors you can read, we are in the

21 middle of a future growth area of floods, but the negative  
22 factors are long and in essence we've got several issues that  
23 I don't believe the industry will be able to overcome.  
24       The biggest of those is the smaller reservoirs and  
25 the unproven reservoir sweep. So it is a very expensive

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1 proposition to put in a CO2 flood, and the risks of an  
2 unsuccessful flood still haunt the industry. Since the WIPP  
3 area reservoirs are small, channelized and target oil  
4 reserves in less than a million barrels, what we are left  
5 with is a conclusion that CO2 flooding of the WIPP area  
6 reservoirs is unlikely. Thank you.

7 PRESIDING OFFICER: Thank you very much.

8 MR. MATTHEWS: I'm curious, are you going to submit  
9 a more detailed written statement on this issue?

10 STEVEN MEZLER: Yes. Actually we've authored a  
11 report that should become part of the general procedures.

12 MR. MATTHEWS: That would be very helpful. I have  
13 a general question. It struck me as somewhat interesting.  
14 Could you provide a little bit verification, more information  
15 on why that the Permian Basin in CO2 floods is more active  
16 floods than anywhere else in the world combined?

17 STEVEN MEZLER: Well, several factors are involved  
18 there. The maturity of the basin is clearly most important.  
19 This is a tertiary or recovery mechanism and it follows a  
20 primary production phase in which uses the reservoir energy

21 itself to produce the oil.

22 Then the water flood where water is injected and

23 swept to the producing wells. And then thirdly, which right

24 now is lastly, is CO2 injection which gives another ten

25 percent of the oil beyond what the water would have gotten.

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1        So reservoirs are essentially a state where we need  
 2 to either produce turcery methods before we abandon the whole  
 3 oil field. The other factor which is important is we have  
 4 the local source, a nearby source Bravo Dome in northeastern  
 5 New Mexico is it a good source of CO2. And that's another  
 6 reason co2 will continue to be used because of the area wide  
 7 sources.

8        MR. MATTHEWS: Okay, thank you very much.

9        PRESIDING OFFICER: Ted Cloak.

10       I'm going to check while you're coming up. Is

11 Jeanne Carlston here?

12       (No response.)

13       PRESIDING OFFICER: Louise Bower, Geraldine Amato

14 and Judy Kaul.

15       (No response.)

16       PRESIDING OFFICER: Go ahead.

17       TED CLOAK: Good afternoon. I'm Ted Cloak. My

18 Doctorate is in Cultural Anthropology, and I'm an analyst

19 programmer retired from the University of New Mexico.

20       As a scientist I'm appalled that the EPA is

21 accepting anonymous research reports from the DOE. As any  
22 researcher should know, scientific work is public work. Not  
23 only should results be subject to review by qualified  
24 colleagues, but the credentials of the author or authors  
25 should be available for verification.

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1        Since we don't know who the authors of the DOE  
2 reports are, I believe we have license to speculate. I  
3 speculate that the authors are not geologists at all but  
4 economists. Like the DOE authors and unlike other  
5 scientists, economists are in the habit of assuming unlikely  
6 conditions, assuming perfect competition. Assuming an  
7 infinitely extendable economy, assuming the absence of  
8 environmental externalities, and assuming only rational  
9 actors.

10       The DOE reports, for example, assume that oil  
11 drillers 500 or a 1,000 years from now will scrupulously obey  
12 the current laws of New Mexico. Neanthropologists know that  
13 ill behavior, at best, only approximates ideal behavior. The  
14 reports assume that drillers will never make mistakes.

15       We analyst programmers know that the only reliable  
16 law governing the outcome of human endeavor is Murphy's Law,  
17 whatever can go wrong will go wrong at the worst possible  
18 time.

19       We all know that in the future human beings will be  
20 strongly motivated to drill down through the WIPP site. We

21 know that human beings invariably make mistakes. We can  
22 deduce this with practically 100 percent certainty that  
23 within far less time than the required lifetime of WIPP,  
24 human activity will release radioactive material at the  
25 surface and into the aquifer.

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1       The greatest danger from WIPP, however, is that in  
2   an entirely different scale. If you approve WIPP with all of  
3   it's dangers and flaws, you will be telling the world that  
4   the problem of nuclear waste disposal has been solved. That  
5   governments and industries have a green light to develop and  
6   produce nuclear energy and nuclear waste. This will surely  
7   lead to one too many WIPPs; one too many Three-Mile Islands;  
8   one too many Chernobyls; and God help us, one too many  
9   Hiroshima's.

10       In truth, you are being asked to make a decision  
11   that affects far more environments than just that of  
12   southern New Mexico.

13       In sum, I'm begging you to rethink your decision to  
14   approve WIPP and this time to include the all too human  
15   capacity for error in your calculations. If you do, I think  
16   you must conclude there is no environmentally safe way to use  
17   nuclear energy on an industrial scale.

18       WIPP is dangerous in it's own right and multiply  
19   dangerous as a harbor of things to come. Thank you.

20       PRESIDING OFFICER: Thank you Mr. Cloak.

21 Next is Victoria Michelle.

22 (No response.)

23 PRESIDING OFFICER: Dr. Matthew Silva.

24 DR. MATTHEW SILVA: There are copies of my material

25 in the back of the room as well.

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1        Thank you for the opportunity to provide input on  
2 future resource exploitation of air drilling that might be  
3 anticipated for the Delaware Basin surrounding the WIPP site.

4        My name is Matthew Silva. I hold a Master's Degree  
5 in Petroleum Engineering from New Mexico Institute of Mining  
6 and Technology and Ph.D. in Chemical Engineering from the  
7 University of Kansas. I've been employed by the  
8 Environmental Evaluation Group since 1990.

9        If I may comment at this time, also there will be  
10 two other EEG presentations tomorrow, one by Dr. Chattervedi  
11 at 9:25, and one by Dale Rucker at 10:45.

12        PRESIDING OFFICER: Okay.

13        MATTHEW SILVA: WIPP is located in a resource rich  
14 area that is rich with oil, gas and potash as shown on the  
15 map. The EPA has set limits on how much of the radio active  
16 inventory can leak out of the repository and into the  
17 surrounding area over the next 10,000 years. EPA also  
18 requires that the scenario of inadvertent drilling into the  
19 repository be considered. However, the DOE analysis of  
20 future drilling scenarios is limited to the assumption that

21 any future drilling must bring or drilling mud as a drilling  
22 fluid. It does not consider the use of air drilling or other  
23 light weight fluid drilling methods despite DOE's own  
24 published optimist forecasts for this expanding technology.  
25 John Bredehoeft is a member of the National Academy

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1 of Engineering, a former member of the NAS WIPP committee,  
2 and a recent recipient of the prestigious Penrose Medal from  
3 the Geological Society of America. His recent report shows  
4 that the release of radionuclides, as a result of intrusion  
5 by air drilling, will exceed the allowable release limits.  
6 The report has been questioned on two fronts by DOE. First  
7 Dr. Bredehoeft recognized the limitations of using the GASOUT  
8 code in his calculations. He clearly identifies those  
9 limitations in his report. Second, is underbalanced  
10 drilling, that is drilling with air, gas, aerated mud, foam  
11 or mist replacing conventional drilling fluids in the oil and  
12 gas industry. Well, that's what I want to talk about today.

13 Underbalanced drilling is considered emerging  
14 technology that is well suited for drilling in aging oil  
15 fields or through sensitive reservoir zones, which would  
16 otherwise be considered nonproductive. The advantages of  
17 underbalanced drilling include increased rate of penetration,  
18 minimal formation damage, more complete removal of cuttings  
19 for improved bit performance, and every effective cooling to  
20 extend bit life.

21           Based on its own recent studies, the DOE has  
22 projected strong growth for underbalanced drilling for oil  
23 and gas in the United States. And as you can see from their  
24 projections, they indicate that use of underbalanced drilling  
25 for 1994 was less than 2,000 wells and by the year 2005 it

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1 will be close to 12,000 wells.

2       The DOE estimates also that by the year 2005  
3 anywhere from 25 to 37 percent of the oil and gas wells  
4 drilled in the United States will be drilled with light  
5 weight fluids, such as air, mist or foam as published in the  
6 Oil and Gas Journal.

7       Although underbalanced drilling is not being widely  
8 used in the Delaware Basin, the future use of such technology  
9 should not be dismissed. For example, the DOE cites the  
10 drilling experience of one contractor in the Hugoton (sic)  
11 field in western Kansas. The reservoir pressures in the  
12 field had declined to the point that light weight drilling  
13 fluids were needed to prevent formation damage. According to  
14 the DOE study, the number of foam units in use by that  
15 contractor grew from none in 1988 to 15 units in 1994.

16       The DOE stated that air drilling has not and will  
17 not occur at the WIPP. However, the DOE also long argued  
18 that there were no crude oil reserves in the vicinity of the  
19 WIPP. Yet by 1991 the WIPP site was ringed with drill rigs  
20 sinking wells for the production of known crude oil reserves.

21 Nonetheless, the project continued to maintain that crude oil  
22 will not be a target for exploration unless the price of oil  
23 rises to levels substantially higher than the produce during  
24 the past energy crises. Also natural gas in the Morrow  
25 Formation will remain the main and perhaps only hydrocarbon

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1 of potential economic importance.

2 I think this indicates pretty clearly the growth of  
3 the oil production from the Delaware Basin in the 1990's.

4 As another example, the EPA maintains there are no  
5 natural gas storage horizons in the Salado Formation. Yet  
6 record on file with the State of New Mexico show that there  
7 are eight documented underground storage facilities in  
8 southeast New Mexico, three of which are in the Salado  
9 Formation and which were created by washing out the salt.  
10 Two of those have been operating since 1953 and are still in  
11 operation.

12 Given the observations discussed above, the concern  
13 raised by Dr. Bredehoeft needs to be expanded to include the  
14 use of other low density drilling fluids such as aerated mud,  
15 foam and mist. In light of the DOE Office of Fossil Energy's  
16 optimistic assessment of the expansion of underbalanced  
17 drilling for oil fields in the country and other factors  
18 discussed above, it would seem prudent for EPA to require or  
19 conduct an appropriate consequence assessment of the impact  
20 of drilling with air, aerated mud, foam and mist on the

21 release of radionuclides from the repository. Thank you.

22 PRESIDING OFFICER: Thank you for your

23 presentation.

24 We're a bit ahead of schedule, so we'll take a

25 break in a few minutes. Let me see if I can get one or two

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1 of the people that signed up today in.

2 Lyndia Spurling.

3 (No response.)

4 PRESIDING OFFICER: Amy Nixon.

5 (No response.)

6 PRESIDING OFFICER: Jenny Van Winkle.

7 (No response.)

8 PRESIDING OFFICER: Pat Terrell.

9 (No response.)

10 PRESIDING OFFICER: Penny Maynes.

11 (No response.)

12 PRESIDING OFFICER: John McCall.

13 (No response.)

14 PRESIDING OFFICER: John Dimas.

15 (No response.)

16 PRESIDING OFFICER: Don Kimball.

17 DON KIMBALL: Hi, my name's Don Kimball. I'm here

18 today to tell EPA that New Mexico is not the sacrifice zone.

19 I'm totally against what WIPP stands for and I think it is in

20 environmentally, ethically and economically wrong. There are

21 so many reasons for it, and many of those reasons you've  
22 already heard from people that are much more knowledgeable  
23 about WIPP than myself.

24 I don't want to see EPA rubber stamp this WIPP  
25 project simply due to political pressure. Our Senator Pete

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1 Domenici, we know put political pressure on EPA to move this  
2 project forward.

3 Since President Clinton came into office and made  
4 the Environmental Protection Agency and a cabinet member, I  
5 figure that EPA was on the side of truth, justice and the  
6 American way, even though it sounds a little bit trite, but I  
7 think EPA should be impartial.

8 Mr. Wilson, I saw you on TV last night on Channel  
9 7. I did not feel that what you said to the press was  
10 impartial at all. I thought that it sounded like you were a  
11 mouth piece for WIPP and for DOE. Now, that may not be the  
12 case, but that's certainly the way it came off.

13 I think EPA has an obligation to the people of New  
14 Mexico, the United States and indeed the world to make sure  
15 that DOE does the right thing. The right thing is not to  
16 have WIPP.

17 Can we trust DOE? We have heard from people here  
18 who are experts that DOE has accepted testimony and  
19 scientific evidence from people who remain nameless. There's  
20 no credibility there. DOE has no credibility. EPA in my

21 mind still has credibility and EPA should maintain that  
22 credibility and insure DOE does the right, and the right  
23 thing is not to have WIPP.

24 If we could go back to the 1940's starting with  
25 things that DOE had done, they are just too numerous to site.

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1 And when I say things that are done, I'm talking radioactive  
2 waste being perpetrated on the people. School children that  
3 were given radioactive material that was put in there  
4 breakfast cereal to see what the effects would be. This is  
5 madness. This is absolute madness.

6 Now here's O'Leary herself before she retired from  
7 DOE or left DOE, I don't know which it was, but she left.  
8 She personally apologized to the American people for some of  
9 the things that have been perpetrated on the American people  
10 because of DOE. DOE cannot be trusted.

11 EPA has to make sure that DOE that does the right  
12 thing, because DOE will not do the right thing. It's been  
13 proven time and time again.

14 Last year there was an article that was published,  
15 and it talked about radioactive fallout from the Nevada test  
16 site that made children who were born in the years 1951  
17 through 1952 -- which I'm a member -- susceptible to  
18 radioactive fallout, and I forget what the element was but it  
19 was radioactive. But it got into the milk supply of this  
20 country. That was intentionally done.

21           Now these people at DOE knew about this. It spread  
22 all over the entire United States. I'm sure some of these  
23 people from DOE knew that some of their relatives were going  
24 to be poisoned with this. They didn't care. They are an  
25 agency that is out of control and they need to be reigned in.

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1        You people are the only people, as far as I can  
2 see, that are going to do that, so we ask you, we beg you to  
3 do the right thing. Make sure that DOE does the right thing.  
4 Stop WIPP. Keep the contaminants on site.

5        I brought an article with me that's from the  
6 Albuquerque Journal that was from December 19, last year.  
7 The headline is "Nuclear Waste Shipment Was Leaking." Okay,  
8 there's radioactive material in the cargo that leaked but DOE  
9 says there was no radiation from it. This is a primary  
10 example. These people are always going to say there's no  
11 radioactive contamination.

12       The highest law enforcement official in New Mexico,  
13 Attorney General Tom Udall is adamantly opposed to WIPP. A  
14 quote from him in this article is, all the representatives  
15 from the DOE on WIPP is how safe it is, Udall said. Here's  
16 evidence that they can't even deal with low level waste and  
17 we're talking about plutonium contaminated waste which is  
18 destined for WIPP. I'm very disturbed by this report. We  
19 cannot let DOE shove this project down the throats of the  
20 people of New Mexico. It's up to you folks to take

21 responsibility to make sure they don't.

22 In closing, if we as New Mexicans refuse to rise up

23 and stop this if it does go through, maybe we deserve what

24 we're going to get if WIPP goes in, but it's for sure the

25 future generations will not. Thank you.

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1       PRESIDING OFFICER: Thank you. You  
2 mentioned -- raised the TV interview which I didn't see, so  
3 I'm not sure exactly what quotes were raised, but since many  
4 people are here who weren't here this morning when we started  
5 the hearing and I tried to give a little background.

6       The responsibility that Congress gave EPA in this  
7 WIPP issue to establish the radiation protection standards  
8 for the site and to assure that the plans for operating the  
9 site that DOE has submitted to us will meet those standards.

10       What I tried to explain to people yesterday is  
11 that we have reviewed that application, and with some  
12 conditions that we are proposing, believe that those  
13 operating plans that the Department of Energy has will meet  
14 our standards.

15       Now it is that proposal that we're here in New  
16 Mexico this week for and will be accepting comments on until  
17 the end of February. We've laid our analysis out in a  
18 rational forum, and we're looking for comments from everybody  
19 on whether or not we did the analysis properly, whether we  
20 missed something, and people are raising a number of issues

21 in that regard.

22 We have made a proposal, obviously. We've been  
23 reviewing this issue four or five years, so we come at it  
24 having made that proposal but not closed minded. These  
25 hearings are serious, we take all the comments seriously,

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1 we'll take all the additional comments we can get in writing  
2 subsequent to these hearings seriously, and we'll consider  
3 all of them before we make the final decision. So I just  
4 wanted to make sure everybody understood the background of  
5 this particular set of hearings.

6 It's 3:47. I think we'll take a ten-minute break  
7 and come back at 4:00.

8 (A SHORT RECESS WAS TAKEN.)

9 PRESIDING OFFICER: I wanted to get a quick check  
10 on some people who weren't here earlier. Is Jeanne Carlston  
11 here?

12 (No response.)

13 PRESIDING OFFICER: Louise Bower.

14 (No response.)

15 PRESIDING OFFICER: Geraldine Amato. Okay, you'll  
16 be on next.

17 GERALDINE AMATO: My name is Geraldine Amato. I'm  
18 a little discouraged that how would you say, that it seems  
19 more show than substance, because it's apparent that behind  
20 the scenes the ringleaders are intent on proceeding no matter

21 what the people have to say. And we're all here spinning our  
22 wheels and talking and kicking up a little dust but it  
23 doesn't seem like we're making any progress on the roadway  
24 here. But I'll kick in my two cents as well.  
25 I believe that the nuclear energy industry has a

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1 momentum of it's own at this time and many of those persons  
2 who are in control of it feel like they have the personal  
3 resources to escape the consequences of any disasters that  
4 might occur where many us don't have that option.

5       In fact I heard reports that some them who are  
6 wealthy enough have built bunkers underground in case of an  
7 accident in their vicinity, they could escape to an  
8 underground bunker for a while until things cooled down.

9       Talking about putting this stuff on the highways is  
10 a madness beyond comprehension. We're talking about putting  
11 that stuff on the highways with all of the things that go on  
12 the highways.

13       Another issue is centralization of political  
14 authority in Washington D.C. and the co-optation of the  
15 sovereignty of the people which we as a constitutional  
16 republic were supposed to maintain. So we have lost our  
17 sovereignty as a people, the states have lost their  
18 sovereignty as individuals, nations, states, republics, and  
19 as an unauthorized concentration of authority in Washington  
20 D.C. under the federal powers that we have yet to realize and

21 yet to resist at this time.

22           How we will do that remains to be seen, but I think  
23 we need to start thinking about it, that we have permitted  
24 the new certification of the sovereignty of the states by the  
25 federal government and then we just are being bossed around

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1 and kicked around repeatedly.

2       We don't find remedy or recourse. We don't find  
3 regress. We get lip service and double talk and side  
4 stepping and other such maneuvers that keep us thinking that  
5 maybe we're making some progress, but we're not getting  
6 anywhere. We are just shooting the breeze and there are  
7 those who intend to proceed and they have no regard for the  
8 life and liberties of the ordinary citizen who's not a part  
9 of their kabob.

10       I mean the WIPP project and also the nuclear energy  
11 and the nuclear armament industry itself is just one arena in  
12 which we can perceive that something is seriously amiss and  
13 what political realities that we as a nation are facing.

14       And whether we are serving on the EPA or ordinary  
15 citizen concerned about what's going on, we all need to  
16 realize that unless we reclaim the authority of the people as  
17 sovereigns, there are four basic premises of our form of  
18 government, checks and balances, which we have essentially  
19 lost; separation of powers, which we have essentially lost;,  
20 popular sovereignty, which we have essentially lost, and

21 there was another one. Individual -- I think it is

22 individual freedom.

23 We are moving towards dictorial regime, and how we

24 play out these matters here in the WIPP project and the EPA

25 hearings and all this and that is just another evidence of

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1 that.

2 Gold only knows I think all of those of us who have  
3 an understanding that there is a spiritualism to these  
4 struggles that we're facing, I think need to consider  
5 engaging in prayer that we might pray that we might have the  
6 counsel of the Holy Spirit and the most high God in -- as our  
7 counselor in how we might deal with the issues before us.

8 We're in a spiritual battle as well as political  
9 and social warfare, and we have to engage ourselves  
10 spiritually as well. If we don't we're not adequately  
11 prepared for this.

12 There's an evil among us in this nation, and we are  
13 not perceiving it adequately enough to let us know how we can  
14 best come against it. Evil must be resisted, and those who  
15 would have despotic power will not be persuaded by words.  
16 They must have actively resisted. And we have not come to  
17 that point at this time.

18 We have seen over the many recent past years that  
19 our words have moved nothing. We have seemingly delayed but  
20 we have not changed anything. Seemingly we have delayed but

21 I don't know whether things are being done without our  
22 knowledge rather than having been delayed at all.  
23       It may be that things are proceeding despite the  
24 fact that publically they have not without people's input.  
25 So we have been deceived on every hand so why should we think

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1 that the ring leaders aren't doing what they want anyhow.

2       No matter what you say here and what you as  
3 servants on this Board even decide to do, whether these ring  
4 leaders with extraordinary power and control of our nation  
5 will do what they damn please any time they want, because  
6 they have power and we have permitted them to do so and we  
7 have not resisted it. If they gain total control and power,  
8 they will do what they are doing in secret now out in the  
9 open. And we're all going to be up a creek without a paddle  
10 unless we're a member of their gang.

11       This has to do with the five powers of control, and  
12 it's apparent in this arena and upon which we have scheduled  
13 this meeting today.

14       Again I just urge those who understand it, there is  
15 a spiritual connection to themselves to engage in prayer that  
16 we may have the counsel of the most high god, and that we may  
17 have that help in redeeming the time, because the days are  
18 evil, and realize that the days are evil and we need that  
19 help from the counsel of the Holy Spirit and living God. And  
20 I thank you.

21       PRESIDING OFFICER: Thank you.

22       Next is Emmett Garrity.

23       EMMETT GARRITY: I'd like to wish you all a Happy

24 New Year, and I thank you for the privilege to be able to

25 speak here today.

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1 I think it is also a moral responsibility to be  
2 here to speak for those who are caught in the isolation of  
3 the misinformation that DOE and EPA perpetuate not only with  
4 regards WIPP but also the whole nuclear industry.

5 After over 20 drawn out years, the changes,  
6 oversights and denials made by EPA to facilitate opening WIPP  
7 destroys my confidence in both EPA and the DOE as government  
8 agencies that are supposed to be operating at all the  
9 citizens benefits.

10 According to evidence, ignored and misinformed as  
11 shown by our political leaders, the lack of knowledge, there  
12 still exists several problems with EPA's certification. This  
13 information I got from Southwest Resources And Information  
14 Center.

15 EPA has ignored events that will cause massive  
16 radioactive releases that violate the disposal standards.  
17 EPA has dramatically underestimated the likelihood that  
18 drillers will hit highly pressurized brine reservoirs.

19 EPA has not fully considered that drilling outside  
20 the WIPP site boundary would cause radioactive wastes that

21 violate the disposal regulations.

22 Most of the waste placed at WIPP have not been  
23 characterized and EPA cannot know if releases might occur.

24 And lastly, EPA has refused to disclose the names  
25 and qualifications of the contractors that did much of the

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1 technical work to support EPA's decisions. These are very  
2 significant issues. But even beyond these lie greater  
3 issues.

4       What kind of logic is there to move extremely  
5 dangerous radioactive waste, some of which is unknown in its  
6 chemical composition across 21 states. What kind of logic is  
7 there to move waste from these places that are only a handful  
8 of the over 400,000 superfund sites in the country. 400  
9 superfund sites and we want to create WIPP?

10       Two billion dollars later what could we have done  
11 with that \$2 billion for those other sites that probably  
12 won't be touched. But then there's money to be made, someone  
13 stands to gain. I'm not sure who it is. I'm sure it's a lot  
14 of contractors doing the work.

15       That is the question I ask of those at the reigns  
16 of the misinformation, what level of confusion are they in to  
17 be complicit in this collective social sin.

18       The argument to contain this waste at one site is  
19 ludicrous when so many uncertainties and realities of  
20 exposure and accidents exist. But then the argument does

21 make sense when you consider the gain factor. Who stands to  
22 gain from this?  
23 The whole nuclear industry is under a lot of  
24 pressure to resolve the waste issue in order to facilitate  
25 the future waste created. That is the waste created

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1 tomorrow, next year, the next five years. This waste will  
2 need storage as well.

3       Is the need to move this waste from the site based  
4 on some hidden greed or agenda? For instance, the  
5 preprocessing of spent fuel at the Savannah River site. Once  
6 they start their shipments to WIPP, will this open the door  
7 for more reprocessing? Not only at Savannah but at Hanford  
8 and Idaho National Engineering Lab.

9       Are they going to start reprocessing the fuel  
10 because they have more places to store it? What will it take  
11 for the United States, the DOE and the EPA to understand that  
12 this is wrong to create waste that has such devastating  
13 consequences. Why are we burying it?

14       Putting a band-aid on the problem will not resolve  
15 the issue. Continuing to create more waste is a big part of  
16 the problem yet greed and minority of people stand to gain  
17 tremendous profits by the proliferation of nuclear  
18 by-products and waste.

19       It is ludicrous to even think that we are capable  
20 of safely storing this amount of radioactive waste for 10,000

21 years when we cannot even guarantee that we'll put a dent in  
22 the 400,000 superfund sites over the next 100 years.

23 What right have we to pass on such a legacy of  
24 death as this? Is all of this, the industry, the waste, the  
25 misinformation the byproduct of an out of control consumer

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1 addicted society?

2        Looking at this big picture, I can only see a  
3 cultural collective self absorbed. And in the passing of the  
4 cultural torch not only are we passing on the collective  
5 social sin, the legacy of the nuclear industry, but also  
6 inherited is the weight of the trained future generations.

7        I still believe WIPP is unethical. I pray that  
8 other alternatives will be found and that you will leave the  
9 waste where it is and commit resources to other alternatives.  
10 Thank you for this time.

11        PRESIDING OFFICER: Next is Jeffrey Rich Munos.

12        JEFFREY RICH MUNOS: Good evening. My name is  
13 Jeffrey Rich Munos. I am a volunteer board member of Wells  
14 Park Association, which is a WIPP-involved business downtown.  
15 It is a historical area and it also borders the WIPP route,  
16 and I'm here to represent 1,300 people and 200 businesses.

17        I just would like to let you know that I live in  
18 the city because for various reasons, one of them is the  
19 climate and hospitality, and I enjoy living here, especially  
20 downtown.

21 I have two stories to tell you and they do relate  
22 to WIPP in a way. My grandmother is 85 years old and she  
23 would tell me stories or when she first heard the radio. She  
24 was a little girl and she was brought into a tent with men  
25 and they had to pay a penny each. And this radio was run on

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1 batteries and people would listen to the radio.

2 Her first recollection of that, of the new  
3 technology, was a boxing match though the boxers long  
4 forgotten, long dead. That always stayed with me about how  
5 things have changed recently.

6 Also, I'm 28 and I was surprised the first time I  
7 ever saw the Internet how interesting it is that we can all  
8 talk to each other. And I kind of just think about how  
9 within the last 100 years technology has really, really  
10 changed. And it has caused some problems and it's caused  
11 some solutions or provided some solutions. But with the  
12 technology there has to be some sort of planning.

13 For example in this city we have two national  
14 highways going through the middle of our city and now -- back  
15 to the 60's when it was developed it was great -- now we have  
16 to talk about pollution from cars and whatnot, and so instead  
17 of starting with a good plan, we have to fix things that at  
18 one time seemed like a good plan but now they are flawed.

19 Basically with the technology that we have today,  
20 comparing technology that my grandmother had, in the next 20,

21 30 years, who knows what we're going to be able to do. We  
22 might be able to find a way to make the radioactivity into  
23 energy, I suppose.  
24 I know a little bit about the nuclear industry from  
25 my father. He worked for the Defense Nuclear Agency which is

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1 now the Special Weapons Program, and I wasn't allowed to go  
2 to Mercury, Nevada to see what he did, but he told me a  
3 little bit what he could, what was not classified at the  
4 time.

5       Basically the government tests and retests and  
6 retests the same test over for our defense, for our  
7 protection, for our peace. But at a certain point we are  
8 wasting our money on retesting and retesting, but without the  
9 long-range plan we have come to the solution of just burying  
10 the waste like a cat bury it's waste, in the ground.

11       One thing we could do it we could wait, just like  
12 my grandmother was able to wait from the battery operated  
13 radio until the computer, we might be able to store this  
14 waste where it was produced even if it might cost more money  
15 now, and in 20, 30, 50 years from now with hopefully the  
16 intelligence we have in the human body rather than -- anyway  
17 with the intelligence we have, we might be able to better  
18 take care of the waste.

19       I'm not even talking about not producing it  
20 anymore. I'm not even considering that, because the

21 government is going to do what it's going to do.  
22 But please just don't approve this project. Please  
23 do not open WIPP. Even if your budget is cut, even if you're  
24 thrown out of your job, even if your retirement is cut, don't  
25 do that, please. Because in 20, 30, 40 years who knows how

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1 we'll be able to deal with this solution.

2 Well, going back to the neighborhood association,  
3 like I said many people in my area are poor, they are  
4 Hispanic. I try to get them to turn on their street lights  
5 to prevent crime, and a lot of them say, well, it costs too  
6 much money to do that. It's a poor area.

7 But if one of those trucks overturns in my  
8 neighborhood, I have absolutely no idea how the U.S.  
9 government, how the city of Albuquerque, how the county of  
10 Bernalillo will be able to clean up the mess to protect my  
11 home. I want to raise my children in my neighborhood and so  
12 far I haven't seen a way that they can guarantee cleanup in  
13 event of an accident, and accidents do happen.

14 I'm sure many of you -- maybe you got into a car  
15 accident in Albuquerque. It's very simple.

16 I believe back in Nebraska there was an overturn of  
17 a truck and we believe it was warheads, and the government  
18 came in, swooped down and was able to clean it up because  
19 there was no leakage. But if there is, leakage, what is EPA  
20 going to do? How can you folks guarantee that my

21 neighborhood would be able to be cleaned up?  
22           So far I haven't heard any of that, and so I would  
23 just ask that we please wait and we please put it on hold  
24 where it is produced, and in 20, 30, 50 years from now we  
25 might have the ability to make this thing, the

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1 radioactivity -- some other solution other than just burying  
2 it. Thank you so much.

3       PRESIDING OFFICER: Thank you.

4       Next is Terry Sullivan.

5       TERRY SULLIVAN: I oppose the WIPP operation. We  
6 have made a horrible mess producing radioactive materials.  
7 These materials remain poisonous for 10,000 years, I'm told.  
8 How many generations of children are born in 10,000 years?

9       We cannot guarantee safety for 10,000 years,  
10 therefore, we must keep the poisons where they are so we will  
11 not increase the risks of tragedy caused by transport.

12       How many generations of children are born in 10,000  
13 years?

14       PRESIDING OFFICER: Thank you very much.

15       Next is Andy Stanley.

16       ANDY STANLEY: My name is Andy Stanley, and I'm  
17 here today to ask that you continue to move expeditiously to  
18 certify compliance of the Waste Isolation Pilot Plant with  
19 the requirements of 40 CFR 191 in accordance with the  
20 criteria as set forth in 40 CFR 194.

21 I'm personally a Health Physicist and an attorney  
22 employed by Advanced Sciences, Incorporated, here in  
23 Albuquerque. However, today I'm appearing before you on my  
24 own behalf and not on behalf of Advanced Sciences.  
25 As a health physicist I have extensive experience

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1 in radiation protection and the effects of radiation  
2 protection and the effects of radioactive materials and  
3 radiation on human health.

4 Specifically I conducted basic scientific research  
5 on the effects of inhaled radioactive materials. In  
6 addition, I have personally performed assessments of risk to  
7 human health originating from the storage and disposal of  
8 radioactive and hazardous waste and various sites throughout  
9 the country.

10 This work included assessing the risks from high  
11 level and low level waste and spent nuclear fuel as well as  
12 transuranic waste. Much of this work has been incorporated  
13 into environmental impact statements and environmental  
14 assessments to guide cleanup activities at these sites.

15 I, therefore, feel I'm qualified to express  
16 technical as well as lay opinions as to the safety of the  
17 WIPP site and the necessity of aggressively pursuing its  
18 opening.

19 In comparison with other hazards and radioactive  
20 wastes that have been stored and disposed of in various sites

21 around the country since the beginning of World War II, the  
22 waste to be disposed of at WIPP poses relatively little risk  
23 if it is properly disposed of.

24       It consists mostly of laboratory trash and waste  
25 sludges contaminated with small amounts of plutonium and

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1 other transuranic radioisotopes. For the most part these  
2 transuranic radioisotopes only have an impact on human health  
3 when they are inhaled, or to a much lesser extent ingested.  
4 That's not to say by any means they do not require care in  
5 their handling and disposal. It is simply to emphasize the  
6 potential risks they pose must be kept in proper perspective.

7 DOE and its contractors have performed a thorough  
8 evaluation of both the ability of WIPP facility to safely  
9 contain these radioactive wastes as well as the potential  
10 health risks resulting from anticipated and unanticipated  
11 release.

12 In both cases the results of these evaluations as  
13 are demonstrated in the application and subsequent materials  
14 that have been submitted to you, have demonstrated that the  
15 WIPP facility will not only meet all regulatory requirements  
16 by a wide margin, but will be protective of human health and  
17 the environment, which is the more important consideration.

18 It is important to stress that these conclusions  
19 remain valid even though many of the assumptions and  
20 calculations used in the evaluations represent worse case

21 situations or values as opposed to expected situations or  
22 values. These conclusions were also reinforced when you, the  
23 EPA, conducted your own verification test in which the use of  
24 parameters -- in which parameters were used were often quite  
25 different than those used by DOE, and many of which were

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1 suggested by public comment.

2       There are those that will argue we should leave  
3 these wastes stored where they are until such time in the  
4 future when we have the perfect scientific solution. I would  
5 propose to you that there are these two major problems to  
6 this approach. First, new scientific approaches often create  
7 new and unanticipated problems in their own right. Secondly,  
8 even if that perfect scientific solution were to be  
9 forthcoming at some time in the future, we can't afford to  
10 wait for it.

11       I have visited most of the DOE sites at which this  
12 waste is currently stored. Some of it is buried in trenches  
13 covered with shale or dirt. Most is stored in drums or other  
14 containers that have a limited useful life. Even that waste  
15 that is stored above ground on well kept and covered concrete  
16 pads needs to be repackaged at periodical intervals to  
17 prevent the escape of materials due to loss of container  
18 integrity.

19       Every time such waste must be handled, the  
20 potential for worker exposure is increased.

21           We cannot afford to wait. We have the problem now  
22 and we need a solution now. That solution is WIPP. I  
23 commend EPA for the work you have done and the evaluation of  
24 the rather large certification application that you had to go  
25 through.

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1 I urge you to continue to promote the protection of  
2 human health and the environment by promulgating a final rule  
3 certifying that compliance of the Waste Isolation Pilot Plan  
4 with the federal and environmental standards for disposing of  
5 defense related transuranic radioactive waste.

6 I thank you for listening and I have a written  
7 submission.

8 PRESIDING OFFICER: Thank you very much.

9 Sharon Williams.

10 SHARON WILLIAMS: Good afternoon and thank you for  
11 allowing me to speak today.

12 My name is Sharon Williams and I'm the co-chair of  
13 the Green Party of Bernalillo County. I'm here to put down  
14 for the record New Mexico Green Party's platform's position  
15 on the Waste Isolation Pilot Project in southern New Mexico.

16 We called for the cancellation of the Waste  
17 Isolation Pilot Project in southern New Mexico. We have  
18 oppose the importation of high level nuclear waste, for  
19 example, spent fuel rods, to New Mexico as part of the  
20 monitor retrievable storage MRS program. We believe

21 environmentally sound alternatives to MRS and underground  
22 storage can be developed and we oppose the transport of this  
23 waste until such alternatives are found.  
24       In the meantime we call for the permanent  
25 aboveground continuously monitored storage of nuclear waste

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1 at or near the sites where it is generated.

2 Basically the Waste Isolation Pilot Project is not  
3 good science, and I really feel that basically it's pushing  
4 of the radioactive contamination on the next set of  
5 generations of Americans.

6 I'm here basically as a representative of the Green  
7 Party and also as a person who basically wants to speak for  
8 the children who will be born in the next and however long it  
9 takes for WIPP to -- for the radioactive poisons to get out  
10 into the environment basically.

11 Dr. Helen Coldicott in her book, If You Love This  
12 Planet, Kill The Earth, made some recommendations that I  
13 believe are necessary in order to make what we in the Green  
14 Party discussed of New Mexico's platform.

15 All nuclear reactors, both military and civilian  
16 must be closed down at once so that no more waste is  
17 produced, no more bombs are made, and no more accidents can  
18 occur.

19 Two-thirds of the scientists in the United States  
20 who work for the military industrial complex, their brains

21 should be used to be taken from weapons manufacture to the  
22 urgent task of finding safe alternatives for basically  
23 storing this radioactive waste that we've created over the  
24 last 40 years.  
25 Basically the oversight of the Environmental

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1 Protection Agency, in my opinion, has been compromised by  
2 Senator Pete Domenici himself, and because he's threatened  
3 the EPA with cutting their budget and with making  
4 this -- forcing this on all of us.

5 He basically has a disdain for sustainable economic  
6 energy resources. He doesn't want us to look for  
7 alternatives to using nuclear power, and I think that is  
8 important and I think we have to be looking in that  
9 direction.

10 The WIPP project has set since it's inception and  
11 all of the sites, because all the sites that the Department  
12 of Energy have created are basically radioactive and  
13 dangerous, as a lot of people have talked about today.

14 Why should the public trust the Department of  
15 Energy's administration of WIPP when it has such a bad track  
16 record basically.

17 The expanded use of nuclear materials should be  
18 stopped immediately because it is a Pandora's Box that never  
19 should have been opened in the first place. The WIPP site  
20 will have an expanded use of nuclear power and it will also

21 create more uses for the military and more creation of  
22 nuclear bombs and the extension of what was perpetuated  
23 during the cold war.  
24 Also other nations around the world can see this as  
25 a sign that they can do the similar thing as to what we are

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1 doing right here, that they can also create WIPP sites in  
2 their own country. They can just go and bury their waste and  
3 that's okay.

4       It's sort of like what we have to be doing  
5 basically is we have to turn off the faucet. We have to turn  
6 off the faucet, which means we have to stop the nuclear power  
7 industry and we have to stop the creation of more nuclear  
8 weapons in this country, because it doesn't do any good to be  
9 just creating all of this waste and burying it somewhere when  
10 the faucet is still on.

11       It's like putting up a dike in a basement and  
12 you're basically putting up this dike while the water is  
13 still coming in and it is flooding your basement. So what  
14 are you going to do, it's flooding your house and your house  
15 is going to be destroyed by it eventually.

16       I think it's important to remember that the WIPP  
17 site and others like them in the future are going to expose  
18 millions of people to radioactive food and water, increased  
19 incidences of genetic diseases, deformed babies, epidemics of  
20 children dieing from cancer and Leukemia, and is this the

21 kind of environmental devastation that the Environmental  
22 Protection Agency, with it's fine record of service to the  
23 American people, wants to leave the next seven generations of  
24 humanity?  
25 I think we need to remember the words of Chief

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1 Scavelin (sic) in 1857, the does not belong to us, we long to  
2 the earth. These words are as true today as they were 160  
3 years ago and even more so.

4 Thank you for your time and attention.

5 PRESIDING OFFICER: Thank you.

6 Next is Ms. P. Diegos.

7 (No response.)

8 PRESIDING OFFICER: Dennis Brown.

9 DENNIS BROWN: Good afternoon. My name is Dennis  
10 Brown, and I'm here today to provide my personal comments on  
11 the proposed rule. I'm not here representing the DOE, even  
12 though I currently work in the Carlsbad Area office as  
13 Quality Assurance Manager.

14 I've worked in the nuclear QA business for over 15  
15 year now and would consider myself an expert in the area of  
16 quality assurance. I've got experience in the various,  
17 numerous nuclear power plants, the high level nuclear waste  
18 program, various state and local waste programs and worked on  
19 the WIPP project for the last five years.

20 I want to commend EPA for doing a good job of

21 reviewing the CCA is used in the draft rule. However, I'd  
22 like to talk a little bit about conditions two and three in  
23 the waste certification area.

24 As a concerned citizen and nuclear Q.A.  
25 professional, I really don't see any value to the DOE

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1 certification process or any additional protection to the  
2 public by delaying the shipments from the TRU waste sites  
3 over and over again as EPA reapproves our Quality Assurance  
4 program over and over again.

5       These are fairly new requirements that have just  
6 been heard of since July of 1997. They are time wasting and  
7 very expensive to implement.

8       The DOE has already proved to the EPA over and over  
9 again that we've met the rigorous quality assurance standards  
10 of the NQA-1 standard as evidenced by the proposed rule.

11       As far as TRU waste certification, it is a major  
12 subset or component of our TRU waste certification process at  
13 DOE. Each site develops a TRU waste QAPjP and site quality  
14 assurance program plan. These quality assurance programs  
15 QAPjP's were referenced in the Compliance Application in  
16 October of 1996. There were nine of us in there that were  
17 approved by the DOE. And I'm not aware of any public  
18 comments or EPA comments or even EEG comments on these  
19 documents.

20       The diagrams basically describe the entire

21 characterization process of the site used to characterize the  
22 waste and to review and validate the data that comes from the  
23 process. So I'm wondering why if, in fact, the EPA and the  
24 public have not commented on these documents over the last  
25 year and a half, why would EPA want comments on those

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1 documents now?

2 In addition, EPA recently participated on the draft  
3 of DOE's certification process of Los Alamos National  
4 Laboratory. In fact I was at the conclusion meeting where  
5 EPA made the statement that the DOE Q. A. program was  
6 adequately implemented thus meeting the requirement of 194.

7 As a result, EPA has clearly indicated in the rule  
8 that we have demonstrated -- that DOE has demonstrated that  
9 the entire set of required QA controls have been met for Los  
10 Alamos National Laboratory, which is a typical TRU waste  
11 site.

12 I would also like to note that the Q. A. standard  
13 is identical to 10 CFR 50, Appendix 3, which is the Q. A.  
14 standard invoked by the nuclear regulatory commission for  
15 every nuclear power plant in this country. During the  
16 licensing phase of all of these 120 U.S. nuclear power  
17 plants, the Nuclear Regulatory Commission did not go out and  
18 inspect all of the 200 plus suppliers and component  
19 manufacturers making nuclear reactors and power plants. They  
20 relied upon the quality assurance programs of the commercial

21 nuclear power plants. The analogy is TRU waste sites are  
22 supplying waste to the WIPP Project. The DOE sets the  
23 requirements. My question is should the EPA be concerned  
24 about increases in costs that don't increase public safety.  
25 In summary, DOE has demonstrated to the EPA

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1 numerous times through their inspections, they've  
2 participated seven DOE QA program audits on the different  
3 various TRU waste sites.

4 In addition, they have spent another 11 quality  
5 assurance program audits over the last four years. They have  
6 reviewed thousands of TRU waste documents on these audits at  
7 the TRU waste site, they've witnessed hundreds of interviews  
8 with DOE and contractor personnel. They've actually conducted  
9 inspections of these DOE audits over the last four years  
10 since 1995, and there's no additional increase in nuclear  
11 safety environmental protection as a result of implementing  
12 these conditions.

13 So I don't see any added value to reapproving the  
14 DOE quality assurance program over and over and over again  
15 for every site and waste stream that comes out of the site.

16 In conclusion, it is the taxpayer that continues to  
17 pay for the cost of storing the waste out of the TRU waste  
18 sites. I believe the EPA should remove conditions two and  
19 three from the rules so that DOE can ship the waste once we  
20 receive certification from EPA. Thank you very much.

21           PRESIDING OFFICER: Thank you.

22           MR. MATTHEWS: I have a question. EPA's proposed

23 rule is based on the compliance criteria 40 CFR part 194.

24 Are you positing that the requirements of 194.228 do not

25 require quality assurance programs at the various waste

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1 generator sites with respect to waste characterization  
2 activities?

3 DENNIS BROWN: No, I'm saying we've demonstrated  
4 that already. The entire process at Los Alamos, which is  
5 identical to all of the other TRU waste sites as far as  
6 procedures and policies that they put in place.

7 MR. MATTHEWS: I just want to make sure I  
8 understand your comments. Your comment apparently is that  
9 you have demonstrated establishment and execution of the  
10 quality assurance program at LANL for one waste stream, and  
11 that EPA should then take it on faith that you can at some  
12 point in time in the future establish and execute a quality  
13 assurance program at the other waste generator sites for our  
14 numerous waste streams. Is that what your saying?

15 DENNIS BROWN: The procedures, policies at all data  
16 sites are identical to -- the requirements are identical.  
17 The Carlsbad Area Office that sets the requirements, each  
18 site meets those requirements. We demonstrated that process  
19 throughout. We have three certification audits, DOE has  
20 three certification audits at Los Alamos.

21 MR.MATTHEWS: At LANL.

22 DENNIS BROWN: At LANL. The procedures, the  
23 standard operating procedures are identical at the other  
24 sites with the exception of they may use a different serial  
25 number for a piece of nondefective assay equipment.

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1       MR. MATTHEWS: But the compliance criteria require  
2   EPA to have demonstrated that the quality assurance programs  
3   are established and executed.

4       DENNIS BROWN: That's correct, we've executed the  
5   programs at the other waste sites. Can you define what you  
6   mean by execution?

7       MR. MATTHEWS: Execution, you've got a program and  
8   it's been put in place.

9       DENNIS BROWN: But the standard talks about the  
10   DOE's quality assurance program. It doesn't talk about the  
11   individual sites. I don't know of any case where it sites,  
12   it states in the rule that it says individual sites must have  
13   executed Q. A. programs. It specifically says the DOE's  
14   quality assurance program.

15       PRESIDING OFFICER: All right.

16       DENNIS BROWN: Is that correct?

17       PRESIDING OFFICER: We understand what you're  
18   saying.

19       Next is Will Beems.

20       WILLIAM BEEMS: Good afternoon. My name is William

21 Beems and I've lived in New Mexico for over ten years.  
22 I want to thank you for being here and fulfilling  
23 your obligation to hear the public's final opportunity to  
24 speak to the federal government with regard to their fears,  
25 their concerns and many of the unanswered questions that

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1 remain around WIPP. I presently work for the Albuquerque  
2 Public School System, but I'm here as a concerned citizen.

3       However, my most immediate concern with my students  
4 is that as a teacher it is difficult for me to explain to my  
5 students when they inquire and explore the question of  
6 scientific validity how in the instance of something as  
7 serious as the disposal of nuclear waste the government,  
8 through the EPA, provides safety standards with sources that  
9 are not only anonymous but that present no credentials at  
10 all.

11       This is a serious question that really brings out a  
12 great deal of -- it seriously questions the credibility of  
13 EPA's position with that regard.

14       There's been a variety of evidence presented and to  
15 be presented in opposition to WIPP. I am not a scientist,  
16 but I do not feel that WIPP is safe nor that EPA is in fact  
17 doing it's job, that of protecting the health and well being  
18 of this nation's population.

19       Obviously the most grievous assault will be on the  
20 people of New Mexico determines it for all of the TRU waste

21 shipments. The reality remains that for people all across  
22 this country, 21 states, I believe, will be, in fact, put at  
23 risk through the shipment of that same TRU waste.

24 I realize this hearing has nothing to do with  
25 transportation issues. That has already been taken care of,

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1 white washed, if you will. The reality is that there will be  
2 accidents, and yes, sooner or later in the coming years there  
3 will be releases of lethal radiation.

4 At this juncture the only barrier, the final  
5 barrier, is to keep this highest assault on the American  
6 public from occurring by not opening the WIPP site.

7 Of course, this is not to say that there are no  
8 questions with regard to the actual site. You will hear  
9 today and throughout these hearings legitimate questions  
10 raised to which there has been no reasonable response given  
11 as far as I have been able to tell.

12 The presence of karst formations throughout the  
13 WIPP site area, ongoing resource drilling and the methods  
14 used, whether they be air injection or brine, have not been  
15 adequately answered.

16 The question of the brine deposit at the site has  
17 not been really looked at sufficiently. It exists. I  
18 understand you may not feel that way.

19 The final question, you know, 10,000 years, I mean  
20 10,000 years. I don't understand how -- I realize I

21 understand that it is not you five individuals who are doing  
22 this as hearing officers, but the vanity of people who think  
23 they can grasp 10,000 years to hold an ongoing safe  
24 protection, something so totally destructive as plutonium.  
25 Well over 60 percent of the WIPP site is built for

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1 future waste generation. That is for the creation, the  
2 ongoing creation of nuclear armaments. That's what WIPP is  
3 about is nuclear weapons. How in a period of supposed global  
4 peace the American government can propose to continue to  
5 generate such weapons is madness. It is a vile and vicious  
6 indictment of this government and the society gone mad.

7       With all of this said, I would like to close by  
8 revealing a significant conflict in my own personal life's  
9 journey. I've been a student of Kioson Josi Sazaki Roshi  
10 (spelled phonetically) for the past 15 years. Teachings from  
11 this lineage of Zen Buddhism encourages not toward anger or  
12 violence. Though the creation and maintenance of this  
13 nuclear nightmare is indeed a form of violence, we are  
14 encouraged instead to find acceptance in our minds, out  
15 hearts, for those who create consternation in the world.

16       I can look at you each individually and find that  
17 acceptance, but in all honesty, I must confess I continue to  
18 loath what you stand for and I am incredulous that you can  
19 even consider the supposed viability of this project and show  
20 such common disregard for your fellow citizens.

21        Lady and gentlemen, from my perspective you cannot  
22 reasonably stand for the opening of this dump, the first  
23 permanent site in the entire world -- entire world. I ask  
24 you that you please pause, that you give a moment's thought,  
25 many moments thoughts. You must consider not just seven

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1 generations, seven times seven generations.

2 (Foreign language) I'm from Kansas originally, and  
3 that means, thank you God.

4 PRESIDING OFFICER: Thank you for coming and for  
5 the testimony.

6 I understand P. Diegos is here.

7 P. DIEGOS: I'm an attorney. My name is Pia Diegos  
8 and I'm speaking on behalf of the National Lawyers Guild.  
9 The National Lawyers Guild is a group of attorneys who are  
10 more concerned about human rights than they are property  
11 rights, so that the National Lawyers Guild has traditionally  
12 represented poor people, people of color, people on the  
13 outside.

14 And we are really concerned about the WIPP, Waste  
15 Isolation Pilot Project, and we want you to not open it.

16 We think it is very interesting that in this era of  
17 environmental justice that we would put a nuclear repository  
18 right close to the border with Mexico, right in one of the  
19 poorest states in the nations, one of the states in the  
20 nation populated with Hispanic people, people of color.

21           That's because the United States government has  
22 traditionally placed waste dumps and environmental hazardous  
23 activities in areas where people are the most vulnerable.  
24 Now there are some scientific problems with Waste Isolation  
25 Pilot Project that I'm sure that others who know more than I

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1 have brought to your attention, but I would like to do that  
2 again.

3 One is that you're building it over an area that is  
4 water filled. You have running aquifers under the repository  
5 and specifically, I think DOE's own figure recently is that  
6 they admitted that there is a brine reservoir that extends to  
7 40 percent, the channels right underneath.

8 That coupled with the studies by Richard Phillips,  
9 who is a hydromorphologist, shows that in the event of the  
10 E1, E2 scenario or in the event of any driller after 100  
11 years that would reach the site, that there is a very high  
12 probability of the water leaving -- of contaminated  
13 radioactive water leaving the site and going into the salt  
14 water lake that is outside of the salt and outside of the  
15 WIPP area and then into the Pecos River.

16 The way this would happen, according to the work of  
17 Richard Phillips, is that you have water draining -- see DOE  
18 has found, has stated, has studied, has exposed that the  
19 water in the WIPP area is ancient water. It goes back  
20 millions of years, but Richard Phillips, through his studies

21 and his specialty, has shown that or can show that that water

22 is actually renewed yearly by the rain water. So that water

23 is actually running at a faster rate that DOE says it is.

24 So that means that if it is running at a faster

25 rate and it is trickling down faster and moving and therefore

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1 any radioactivity that would get into any of the reservoirs  
2 or any of the karst areas or any of the channels under there  
3 would basically run at the speed of water and violate and  
4 permeate the areas that are within the WIPP site and would  
5 contaminate the outside region.

6       So we as an organization urge you to look very  
7 carefully at the work of Richard Phillips and consider that  
8 this is not an area that is static or that is close to  
9 static. This is an area that is teeming with water, and so  
10 that any -- the E1, E2 scenario which is that one person  
11 would drill after 100 years, would go past the repository and  
12 into this area that is passed the Castille area and then  
13 because of the pressurization, then all of this brine would  
14 shoot up. And then according to New Mexico regulations, the  
15 very conscientious driller would then plug up the first drill  
16 hole, the first bore hole and then there would be a second  
17 driller.

18       And the second driller would then drill down, and  
19 as soon as the second driller got into the repository itself,  
20 the second driller would hit a very pressurized slurry of

21 radioactive brine and radioactive waste. It would be very  
22 pressurized because the first driller would have gone down to  
23 the Castille, and then that brine would then fill up the  
24 whole Salado area in the repository. And then that would  
25 shoot up.

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1 Well, that scenario when coupled with Richard  
2 Phillips work would be much more devastating and would have  
3 much higher rate of probability of contaminating the  
4 environment.

5 So I urge you to look at his work and we as an  
6 organization on behalf of people who we represent urge you to  
7 not open WIPP. WIPP is really just a clearly expedient to  
8 facilitate the continuation of the production of nuclear  
9 weapons and nuclear products, and what we really need to do  
10 is to stop the production of nuclear weaponry and nuclear  
11 products, and not look for false solutions to the problem  
12 that has no solution.

13 PRESIDING OFFICER: Thank you for your testimony.  
14 Thanks for coming tonight. Thanks for bringing your  
15 children.

16 Next is Lily Rendt.

17 LILY RENDT: No, I spoke already.'.

18 PRESIDING OFFICER: Oh, I'm sorry.

19 LILY RENDT: Yes. I can speak again, but I think I  
20 ought to forfeit to the other people.

21           PRESIDING OFFICER: Okay, we'll wait until we get

22 to other people.

23           Peter Swift.

24           PETER SWIFT: Thank you for the opportunity to

25 comment on the proposed certification. I'm Peter Swift, and

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1 I live here in Albuquerque and some of you know me. I have  
2 worked on the WIPP the last eight years at Sandia National  
3 Labs. I'm speaking for myself today and as a member of the  
4 general public and as a resident of Albuquerque.

5 First I want to state clearly that I agree with the  
6 EPA's proposed certification. I'm very familiar with DOE's  
7 application and with the EPA's regulation and I agree with  
8 your conclusion that WIPP complies with 40 CFR 194 and I  
9 think that is the main point of these hearings.

10 I want to use the rest of my time to talk about a  
11 single issue which is fluid injection. Critics of the  
12 project have argued that DOE has overlooked the possibility  
13 that brine injected in the subsurface, either for disposal or  
14 as part of a water flooding operation to enhance oil  
15 recovery, could escape from the intended injection zone and  
16 flow to the WIPP and flood the disposal region.

17 I want to argue and I want to state that DOE and  
18 EPA, neither, have neglected this possibility. Rather they  
19 considered it very seriously. DOE has presented extensive  
20 written information to the EPA on the subject, and I'm not

21 going to go through any of that now, but I want to restate  
22 three major conclusions.

23       The first point is that large water flood  
24 operations, the type associated with leaks elsewhere in the  
25 region, do not now occur in the vicinity of WIPP, and it is

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1 not certain they will in the future. It is also not certain  
2 they won't occur either. But even if they do, injection  
3 wells will not operate any closer to the WIPP in the boundary  
4 controlled area which is as close to a mile and a half or  
5 more from the waste and most waste is further.

6 The closest injection well now operating in the  
7 region is approximately three miles from disposal panels.

8 The second point I want to make is that all the  
9 leaks have occurred in production wells elsewhere in  
10 southeastern New Mexico in the past, and that's obvious,  
11 these leaks occurred with older wells constructed with  
12 relatively primitive methods and without modern casing and  
13 cemented techniques.

14 Production and injection wells near the WIPP have  
15 mostly been drilled in this decade and have two or more  
16 strings of steel casing cemented through Salado formation,  
17 and there are extensive records of annual tests to indicate  
18 there have been no instances of major leaks from wells of  
19 this sort.

20 The evidence is very clear that modern wells like

21 the ones near the WIPP are far less likely to leak than older  
22 ones.

23 The third point I want to make is that Sandia has  
24 done computational modeling and I'm speaking here as member  
25 of the public and not of Sandia, but I'm very familiar with

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1 the modeling work. Even for the worst cases they have  
2 examined there was no effect on the repository even if major  
3 leaks did occur at injection wells.

4       These worst cases looked at at Sandia were not  
5 particularly realistic. Modelers assumed that injection  
6 wells operated continuously for 50 years at pressures above  
7 those normally permitted by the state, leaks occurred  
8 directly in the Salado, and for a leak this to occur directly  
9 into the Salado, there would have to be simultaneous failure  
10 of both tubing or packers in the well and two strings of  
11 casing and a cement sheet. Leaks were assumed to endure for  
12 10 years without detection, despite state requirements for  
13 annual reporting wellhead pressures for annual testing of  
14 every five years, and for a leak like that to occur, it would  
15 require both the failure of the state to enforce existing  
16 regulations and extraordinary negligence and incompetence on  
17 the part of the oil field operators.

18       In conclusion, I appreciate critics' concerns about  
19 leaky oil field injection wells. I fully agree this is  
20 something the EPA and state of New Mexico should consider

21 carefully. I also believe they have done so both from the  
22 certification of WIPP and general protection of ground water.

23 I also believe the DOE has done a thorough and  
24 responsible job of evaluating the possible effects of waste  
25 on WIPP, and believe EPA has made the correct decision with

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1 respect to certification. Leaky injection wells do not pose  
2 a threat to WIPP. Thank you.

3       PRESIDING OFFICER: Thank you for coming and for  
4 your testimony.

5       Next is Hong-Nian Jow.

6       HONG-NIAN JOW: Good afternoon ladies and  
7 gentlemen. My name is Hong-Nian Jow. I'm a resident of  
8 Albuquerque and work for Sandia Laboratories. I appreciate  
9 the opportunity to come here to make my personal comments on  
10 the EPA proposed rule before you on the WIPP CCA.

11       After the DOE submitted CCA on October 29, 1996,,  
12 EPA had put in a tremendous amount of effort and the resource  
13 to renew the CCA and other supporting documents, and I would  
14 like to take this opportunity to speak about my personal  
15 experience in interacting with EPA staff and their  
16 contractors during their review of the documents pertaining  
17 to the performance assessment Sandia did in support of CCA.

18       I would like to make the following three  
19 observations: Number one, EPA staff and their contractor  
20 worked very hard in reviewing those documents Sandia did. As

21 far as assessment. There were many evenings they stayed late  
22 in the Sandia Vista building looking through documents of the  
23 PA analysis reports and PA computer codes document.  
24 Number two, EPA staff and their contractors were  
25 highly competent in understanding the technical complexity of

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1 the PA. They spent many weeks and months looking into the  
2 codes, the files, even files Sandia used in their PA  
3 calculations, and they had many, many meetings and discussion  
4 with the Sandia staff in order to ascertain the technical  
5 adequacy, traceability and reproducibility of the PA results.

6 The questions they raised in the review comment of  
7 the CCA were technically relevant to the safety of the WIPP  
8 performance.

9 Number three, the PA verification test calculations  
10 also called PAVT mandated that EPA was a demonstration that  
11 EPA's comprehensive and thorough technical review of the  
12 Sandia performance assessment work in the CCA.

13 Finally I support the EPA proposed decisions on the  
14 WIPP CCA to open WIPP, and lets begin to solve the national  
15 problems of the legacy of transuranic waste. Thank you.

16 PRESIDING OFFICER: Thank you.

17 On the schedule we're now up to -- we are going to  
18 take a dinner break at 5:00. It's now 25 after, but before  
19 we break I want to double check who was on our list before.

20 Jeanne Carlston, Louise Bower, Paul Rueckhus, Maria

21 Baca. Are any of them here or are they probably going to  
22 come tonight?

23 (No response.)

24 PRESIDING OFFICER: Judy Kaul or Victoria Michelle?

25 (No response.)

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1       PRESIDING OFFICER: I think we'll --

2       UNIDENTIFIED SPEAKER: Mr. Wilson.

3       PRESIDING OFFICER: Yes.

4       UNIDENTIFIED SPEAKER: I'm the first person on the  
5 walk-in list. My name is John McCall. If I could speak now,  
6 I'd prefer it instead of having to come back this evening.

7       PRESIDING OFFICER: Sure, we have time for one  
8 more.

9       JOHN McCALL: My name is John McCall. I'm an  
10 attorney here in Albuquerque, New Mexico, and I'm also a  
11 member of the state Green Council and also a member of the  
12 Association of Public Interest Law.

13       First of all, I would like to ask something, and  
14 that is if all the DOE employees in the audience could please  
15 raise your hands?

16       (DOE employees raised hands.)

17       And could all the EPA employees raise their hands?

18       (EPA employees raised hands.)

19       JOHN McCALL: I was just curious. I did have an  
20 objection to the testimony of the gentleman from DOE, not the

21 one that just testified but previously who was responding to  
22 questions. He said he was testifying as a citizen and then  
23 he responded to the questions as we. And the idea of the DOE  
24 coming here to testify kind of baffles me a little bit from a  
25 legal perspective because it should be public comment and not

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1 agency to agency comment the way I see it. So I have some  
2 concerns about that.

3 Are people out there ready for a lawsuit?

4 (Shouts from audience.)

5 Okay, because there is going to be a few filed, I  
6 would imagine. And I know you can't stop that from  
7 happening, but there have been several in the past. It's  
8 interesting to note that through all this legal fighting,  
9 even though the fact that we've already dumped enough  
10 radiation in the Savannah River to kill everybody on the  
11 planet, we're still not able to stop WIPP.

12 I just wanted to read you a couple of quotes from  
13 previous legal cases. One was Attorney General Udall and the  
14 State of New Mexico versus Environmental Protection Agency.  
15 That is 114F3d Federal Reporter and 290, and this was in  
16 1997 -- I'm sorry I misquoted. The first one I want to read  
17 from is a 1992 case in which the court held that the  
18 defendants have presented no convincing evidence. That the  
19 hazardous waste materials they seek to introduce into the  
20 WIPP site can be retrieved. Defendants argue that it is the

21 very nature of the salt beds which would effectively provide  
22 them with a six-month warning mechanism which in turn would  
23 allow them to retrieve the waste as need be.

24 Specifically, defendants contend that enhanced  
25 geotechnical monitoring systems will provide at least six

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1 months ago of advanced warning of a potential roof fall  
2 enabling the safe retrieval of waste. The record, however,  
3 shows there's a great likelihood that the waste proposed to  
4 be in place in WIPP will not be retrievable after the test  
5 phase. I think that's still true today.

6       Secondly, I would note something that's been of  
7 interest to me for about a year now since I saw it in the  
8 national news, passive institutional controls. And you all,  
9 of course, under the Chevron standard, are allowed to  
10 implement agency discretion in citing the rules. However, I  
11 don't know if you're able to pass the due process standards  
12 of the United States Constitution when we are looking at the  
13 futures of, as somebody said, seven times seven generations  
14 of American citizens.

15       God forbid that we step on the constitutional  
16 rights of unborn children by what we do today. In that line  
17 of thinking, the court held, as I mentioned before in New  
18 Mexico versus EPA, 1997, and that is the site I have  
19 mentioned, 114f3rd 290. EPA's final rule permits DOE's WIPP  
20 application, when calculating relief probabilities, to take

21 credit for passive institutional controls, PIC's, which  
22 included devices such as permanent markers designed to avoid  
23 inadvertent human interference.

24       The disposal regulations require, quote, most  
25 permanent markers, records and other passive institutional

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1 controls practical to indicate the dangers of the waste and  
2 their location. That's at 40 CFR 191.14(c). This is the  
3 regulation at issue.

4 The criteria provide that credit can be given for  
5 PIC's for no more than 700 years and that DOE can request in  
6 no case assume that PIC's will, quote, eliminate the  
7 likelihood of human intrusion entirely.

8 In addition, the final rule requires that DOE show  
9 that the PIC's will, quote, endure and be understood by  
10 potential intruders for the relevant time period.

11 Now does anybody think we can make a sign that will  
12 be understandable in 10,000 years in this room?

13 UNIDENTIFIED SPEAKER: No way.

14 JOHN McCALL: Does anybody have an idea what human  
15 intelligence or any kind of intelligence on the Planet Earth  
16 will be like in 10,000 years. I think right there that  
17 you've got a serious problem. It's what people have been  
18 going back to over and over again is the 10,000 year  
19 standard, which really should be a million years when you  
20 look at life on earth is not being respected, and, therefore,

21 I would propose that part of the lawsuit that is potentially  
22 going to be filed against the EPA and DOE, that the rights of  
23 future citizens are not protected by this rule. Thank you.

24 PRESIDING OFFICER: Thank you for that testimony.

25 It's 5:30. We're going to take a break until 7:00. We're

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1 going to be back at 7:00, as I mentioned and we'll be here as  
2 late as we need to as long as there is somebody here who is  
3 scheduled or wants to testify.

4 So we'll see many of you back here at 7:00.

5 EVENING SESSION

6 ALBUQUERQUE, NEW MEXICO

7 PRESIDING OFFICER: Good evening.

8 For those of you who weren't here earlier, my name  
9 is Dick Wilson. This is a continuation of area hearings in  
10 New Mexico on our proposed approval of the DOE operating plan  
11 for the WIPP site near Carlsbad.

12 We have a number of people who are scheduled to  
13 testify tonight. We have some people who have signed in  
14 earlier today that probably are here, and I suspect some more  
15 will come to sign in.

16 If there is anybody who hasn't already signed up  
17 and would like to testify, if you would please check in with  
18 the registration table out front. We plan to be here as late  
19 as we need to be here to give everybody a chance to testify.

20 Tomorrow we'll be here until noon and then we're

21 going up to Santa Fe for hearings tomorrow afternoon and  
22 tomorrow evening. So we will need to sort of keep on  
23 schedule tomorrow, so tonight is our chance to give people,  
24 allow testimony, and we'll do that.  
25 The first witness this evening is Richard Phillips.

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1        RICHARD HAYES PHILLIPS: My name is Richard Hayes  
2 Phillips. I have a Ph.D. in Karst geomorphology. My own  
3 definition of geomorphology is the study of land forms and  
4 the processes which create them and destroy them.  
5 Geomorphologists are interested in the geologic features at  
6 the land surface. We are also interested in the subsurface  
7 if rivers and streams flow underground. In what is known as  
8 Karst.

9        I have here a map of the United States showing the  
10 regional Karst lands, and you will see southeastern New  
11 Mexico, the Pecos River Valley, as one the largest Karst  
12 lands in the United States of America -- comparable to the  
13 Ozarks, Mammoth Cave and other Karst areas. This includes  
14 the Santa Rosa Sinks, the Bottomless Lakes and Carlsbad  
15 Caverns.

16        It should come as no surprise that the WIPP located  
17 in the Pecos River Valley is in karst. This transparency is  
18 from any dissertation. The EPA has three copies of it.

19        This shows the Mescalero Plain which is part of the  
20 Pecos River Valley karst land. The Mescalero Plain is

21 actually an opt land above the Pecos River Valley that is

22 mostly overlain by Mescalero caliche.

23 Those who have land in New Mexico in semi arid

24 regions and have attempted to dig with shovels in their

25 backyard have probably encountered caliche. It is a cemented

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1 crust of a form of limestone that forms in desert soils at  
2 the depth of rainwater infiltration.

3       Where the caliche is hard and cemented, it is  
4 almost impermeable and very difficult to dig through, but as  
5 I will demonstrate shortly, the Mescalero caliche is not a  
6 continuous surface at the WIPP site itself. It has fractures  
7 and holes that have eliminated probably 15 percent of the  
8 caliche surface and which allow rain water to penetrate.

9       Now it is traditional in the study of hydrology to  
10 divide the world into watersheds or drainage basins, the  
11 boundaries of which are groundwater divides. In most cases,  
12 drainage basins have outlets. The lowest point in the  
13 drainage basin is where the trunk stream, the largest river  
14 in the water shed, flows into an en larger one. But there  
15 are some water sheds, some drainage basins which are closed,  
16 which means that if you stand in the lowest point of the  
17 drainage basin, the land will rise around you on all sides.

18       This is a map of the Nash Draw Watershed. This is  
19 also from my dissertation. These show the groundwater  
20 divides.

21           Here is the WIPP site including the outer zone that  
22 has now been eliminated from the WIPP site boundaries, and  
23 you will see the largest feature in the watershed is Nash  
24 Draw.  
25           We normally think of a draw as a dry river course,

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1 but Nash Draw is different. Nash Draw is one of the largest  
2 Karst features with surface expressions in North America. It  
3 formed gradually over time when underground streams and  
4 rivers corroded open cavernous channels underground which  
5 sooner or later collapsed, and all the rocks above that  
6 collapsed as well.

7       This forced the water to find other paths  
8 underground, and then those caverns collapsed forcing the  
9 water to find another course and so on. The end result is a  
10 drainage basin closed on all sides with groundwater seeping  
11 into it from all directions. It is about 15 miles long,  
12 about five to ten miles wide, and comes within one mile of  
13 the current WIPP site boundary.

14       At the lowest point of Nash Draw, is a huge salt  
15 lake known in Spanish as Laguna Grande de la Sal. It has no  
16 outlet at the land surface. It has no outlet in the  
17 subsurface. It loses water only by evaporation and here is  
18 why that is important.

19       I have here the first detailed map ever made of  
20 Laguna Grande de la Sal made in 1934, at the very start of

21 potash mining in Nash Draw. This is the natural extent of  
22 the salt like excluding the islands in the middle of the  
23 lake. It was three-and-a-half square miles in extent.  
24 Now as I said, a salt lake loses water only by  
25 evaporation. It has no outlet at the surface or subsurface.

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1 It is a basic hydrologic equation that does not change  
2 anywhere in the world that a salt lake in a closed drainage  
3 basin has a water balance. The amount of inflow to the lake,  
4 whether it's on the land surface or underground plus the  
5 amount of rain water falling on the lake surface must equal  
6 the evaporation.

7       We know the natural extent of the surface of the  
8 salt lake 2,120 acres. We know the evaporation rate, we know  
9 the rainfall rate. It is easy to calculate from that the  
10 amount of groundwater that must flow into the salt lake in  
11 order for it to continue to exist in the face of such high  
12 evaporation rates.

13       The amount of water flowing into this lake, about  
14 600 million cubic feet per year, tells you the amount of  
15 water in the groundwater aquifers that flow throughout the  
16 watershed, including the WIPP site. It is about 100 times as  
17 much water as the Department of Energy cares to admit to.

18       This means that there is about 100 times as much  
19 rainwater recharge to the groundwater aquifers as the DOE  
20 cares to admit to. That's why you have underground streams

21 flowing across the WIPP site and flowing into Nash Draw.  
22 The Department of Energy must account for this  
23 water. They have been allowed to model the WIPP site only so  
24 far as the WIPP site boundary and to ignore all natural  
25 features beyond the boundaries.

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1 I stood in knee deep water, rushing by me, flowing  
2 into the salt lake with such velocity that I could barely  
3 keep my footing. Admittedly this is after a major rainstorm,  
4 but that is exactly the point. A Karst spring will fluctuate  
5 with rainfall and these are Karst conditions.

6 Do I have any time left?

7 PRESIDING OFFICER: Yes.

8 RICHARD HAYES PHILLIPS: So where does this water  
9 come from?

10 I have a cross section that will show you the  
11 geologic strata in the area of the WIPP site. The salt lake  
12 is here and the WIPP site, the actual repository, is located  
13 here. This is the zone in which potash mining occurs. The  
14 middle Salado or the lower Salado, I should say, Salado salt,  
15 is where the waste is to be implaced.

16 The aquifers of concern are in the Rustler  
17 Formation and also in the Dewey Lake Red Beds, which have  
18 sandstone and siltstones which overlie the Dewey Lake.

19 Let me explain what the WIPP site looks like.

20 Actually it's a very beautiful land with sand dunes of pink

21 gypsum sands, Yucca, Mesquite Bush, Scrub Oak. There are up  
22 to 14 feet of surface sands that overlie the WIPP site in  
23 dunes and depressions.

24 Most rainfall among the 15 or so inches a year that  
25 fall on the WIPP site come in fairly small showers. If it is

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1 small enough, most of that water will evaporate. Some of it  
2 will infiltrate into the sands which are of course  
3 transmissive to water.

4 On indication though you get torrential rainstorms,  
5 but the ten inches in two days that fell in 1986 when I was  
6 there doing my dissertation field work, that water if the  
7 rainstorms are torrential enough, might saturate the sands,  
8 allowing surface runoff.

9 So there are occasional arroyos at the WIPP site  
10 that carry water only after the major rainstorms. Maybe  
11 every five or 10 or 20 years or so, and this water will be  
12 carried into sink holes and will disappear underground.

13 PRESIDING OFFICER: Dr. Phillips, your ten minutes  
14 are up. Can you conclude?

15 RICHARD HAYES PHILLIPS: No, I cannot conclude  
16 soon, so I guess I'll have to stop now and see what happens.

17 UNIDENTIFIED SPEAKER: Will anyone yield time to  
18 Dr. Phillips so he can finish?

19 UNIDENTIFIED SPEAKERS: I will.

20 PRESIDING OFFICER: Well I'm happy to do that. I

21 want to walk my way through, since people were kind enough to  
22 call us and we scheduled folks, we'll work our way down the  
23 list, and if people want to yield Dr. Phillips, we'll let him  
24 continue.  
25       Next is Eric Rajala.

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1       ERIC RAJALA: I'd be willing to yield some of my  
2 time to Dr. Phillips.

3       PRESIDING OFFICER: Well, do you want to make a  
4 statement also? I have a feeling Dr. Phillips want to  
5 continue but for more than a couple minutes, so if you have  
6 your own statement to make you should do that and see if  
7 there's any other time.

8       ERIC RAJALA: My name is Eric Rajala, and my only  
9 qualification is that I was born here, lived all my life  
10 here. I was raised in Los Alamos, actually.

11       For 50 years now we have generateed radioactive  
12 waste and we did this at first in the name of national  
13 security. Little thought was given to the cost of the  
14 national security project and virtually no thought was given  
15 to waste disposal.

16       The history of the site such as Los Alamos and  
17 Rocky Flats and others speaks for itself on the subject. We  
18 must readjust our sites for the future of 10,000 years from  
19 now. But we lack the political will to spend the money to do  
20 this, the way we had the will to spend the money to create

21 the waste.

22 For 50 years our poor containment procedures have  
23 been good enough, or so we're told. Well, 50 years is only  
24 one half of one percent of 10,000 years which is a minimal  
25 amount of time for a mature, responsible civilization to

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1 reckon with when considering nuclear waste disposal.

2       Now you are cutting the budget, I'm told, and just  
3 putting the waste in America's backyard, throwing it away in  
4 a state that lacks the political power to do anything about  
5 it. What we really need is a another Manhattan project to  
6 solve the waste problem that began with the first Manhattan  
7 project.

8       Nuclear waste disposal is unlike any other problem  
9 human beings have ever encountered. The only guarantee we  
10 have is that natural processes such as what Dr. Phillips was  
11 talking about will cause the site to deteriorate over time.

12       Our record over the last 50 years does not inspire  
13 my confidence about what will happen in the next 9,950.

14       We can't even adequately maintain our highways here  
15 in New Mexico. We have no guarantees that our highways will  
16 be upgraded and maintained just for the WIPP project.

17       We don't believe that WIPP has or even could solve  
18 our waste disposal problem. Unfortunately there's no glory  
19 in being a garbageman. The greatest thanks that we will get  
20 for doing this job right will be from our descendants. I ask

21 you, what will they think of the WIPP project after 10,000

22 years.

23 I ask the EPA to disclose the names of all of the

24 technical support contractors, their qualifications and the

25 technical issues that they worked on, so that at the very

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1 least their names can go down in the role of history so that  
 2 people will know who was responsible for this. That's why  
 3 I'm here. Thank you.

4 PRESIDING OFFICER: Is there any time left over?

5 TIMEKEEPER: Yes, we do, 2 minutes 21 seconds.

6 PRESIDING OFFICER: Okay, thank. Dr. Phillips, how  
 7 much additional time do you think you're going to need? I  
 8 think it would make sense to do it in one lump rather than  
 9 two minutes here and there.

10 RICHARD HAYES PHILLIPS: Sure.

11 PRESIDING OFFICER: I'm just trying to go get an  
 12 idea.

13 RICHARD HAYES PHILLIPS: Well, let's see how much  
 14 time ends up available.

15 PRESIDING OFFICER: Okay, why don't we do that. I  
 16 think that's the best thing to do.

17 Next is Thomas Metcalf.

18 THOMAS METCALF: My name is Thomas Metcalf, and  
 19 after 20 years of hearings I would like to yield my five  
 20 minutes to Dr. Phillips.

21        PRESIDING OFFICER: Okay.

22        Next is Maria Santelli.

23        MARIA SANTELLI: I would like to yield Dr. Phillips

24 my time.

25        PRESIDING OFFICER: Okay.

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1       Next is Robin Seydel.

2       ROBIN SEYDEL: My name is Robin Seydel, and I, too  
3 would like to give my time to Dr. Phillips since the DOE and  
4 the EPA don't seem to listen to the good citizens of the  
5 state anyhow.

6       PRESIDING OFFICER: Next is it Dorrie bunting.

7       DORRIE BUNTING: I'm Dorrie Bunting, and I'd like  
8 to give my time also.

9       PRESIDING OFFICER: Okay. Next is Lee Sims.

10      LEE SIMS: I'm Lee Sims and I give my time to Dr.  
11 Phillips.

12      PRESIDING OFFICER: Next is Sylvania D'Ouville.

13      SYLVANIA D'OUVILLE: I give my time to Dr.  
14 Phillips.

15      PRESIDING OFFICER: Okay.

16      Next is Van Smith.

17      UNIDENTIFIED SPEAKER: Van Smith is sick but he  
18 called the EPA hotline and seated his time to Dr. Phillips  
19 this evening.

20      PRESIDING OFFICER: How about Bay Woods.

21 BAY WOODS: I'm Bay Woods and I also seat my time

22 to Dr. Phillips.

23 UNIDENTIFIED SPEAKER: Let him speak now. Please

24 don't do this anymore.

25 UNIDENTIFIED SPEAKER: You've got enough time

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1 there.

2 PRESIDING OFFICER: That's why I tried to find out  
3 before how much time he thought he needed.

4 RICHARD HAYES PHILLIPS: That should be enough  
5 time.

6 UNIDENTIFIED SPEAKER: Let him speak this time and  
7 then other people can speak.

8 UNIDENTIFIED SPEAKER: How much time does that add  
9 up to?

10 PRESIDING OFFICER: You've got about 50 minutes.

11 RICHARD HAYES PHILLIPS: This will actually put us  
12 ahead of schedule.

13 PRESIDING OFFICER: Okay, let's go.

14 RICHARD HAYES PHILLIPS: Here's another geologic  
15 cross section. This one is easier to see because it's a  
16 different scale.

17 Here is the edge of Nash Draw, a drill hole called  
18 WIPP 25. This in the cross section has a drill hole called  
19 WIPP 33. This was the first Karst feature east of Nash Draw  
20 admitted to by the Department of Energy.

21           WIPP 33 was drilled in 1979, because it was  
22 suspected of being a collapsed sink, partly because there is  
23 an arroyo disappearing into it.

24           The Department of Energy drove WIPP 33 and found  
25 not one but five underground caverns in a nested sequence,

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1 one on top of another with rocks separating them, a total of  
2 nearly 30 feet from top to bottom in the five caverns. We  
3 are talking about five water filled caverns, an average of  
4 six feet from top to bottom, big enough to scuba dive  
5 through.

6 If one looks at the WIPP site aerial photographs,  
7 which I do have with me if anybody want to peruse them after  
8 the hearing, you can see that WIPP 33 is one of a chain of  
9 four surface depressions, and so as an earnest graduate  
10 student, I placed nearly 350 auger holes in the region by  
11 hand as much as 22 feet deep to probe the subsurface and to  
12 see if the supposed waterproof barrier of Mescalero caliche  
13 actually existed or if maybe there were subsurface  
14 depressions in the caliche as well that would be catchments  
15 for rain water.

16 I have determined from this that these were indeed  
17 structural features, that this is a chain of four sink holes,  
18 which is what you would expect, lined up above an underground  
19 water course.

20 WIPP 33 used to be in the WIPP site and then they

21 reduced the boundaries of the WIPP site without moving the  
22 waste disposal area. So the WIPP site isn't any farther from  
23 karst than it used to be, just the boundaries are different.  
24 But all three of these depressions are closer to the WIPP  
25 site boundary than the original one which was drilled.

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1       The Department of Energy finally this year in its  
2 response to CARD admits that these are all sink holes and  
3 that proven Karst features extend within 1,000 feet of the  
4 current reduced WIPP site boundaries.

5       Now, when I was doing dissertation field work, as I  
6 said, ten inches of rain fell in two days. That was enough  
7 to saturate the surface sands and allow water to flow through  
8 this arroyo and into the WIPP 33 depression which is 700 feet  
9 in diameter, 30 feet deep with 40 feet of sediments washed  
10 in. So it's really 70 feet deep.

11       I saw five feet of standing water in that  
12 depression. The water carried in some organic debris left  
13 along walls of the depression what I would describe as a  
14 bathtub ring.

15       So even years ago later when I brought EPA  
16 officials there to see this feature, the evidence of high  
17 water mark was still there.

18       I saw five feet of standing water infiltrate into  
19 the sands and disappear into this sink hole in about two  
20 days.

21 I also saw another arroyo suddenly appear on land  
22 surface that wasn't there before, was not in the previous  
23 aerial photographs, which is what I saw on this map, and it  
24 disappeared into this depression which I have previously  
25 identified as a sink hole. So of course now these are proven

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1 Karst features east of Nash Draw. You can see them in cross  
2 section here. Of course, there's a vertical exaggeration as  
3 always in geologic cross sections.

4 Here's WIPP 33 and you can see that the one 2,000  
5 feet farther east, which also now has a disappearing arroyo  
6 looks almost exactly the same.

7 Much farther east of Livingston Ridge is another  
8 depression almost exactly the same size as WIPP 33. This was  
9 drilled as WIPP 14.

10 The Department of Energy in its response to CARD  
11 actually fell short of denying this is a sink hole. They  
12 made a few arguments but didn't actually deny that water  
13 flows into WIPP 14 and disappears into the depression.

14 Now, the WIPP 14 drill hole is 98 feet outside the  
15 WIPP site boundary, but the depression is 600 feet in  
16 diameter. It straddles the WIPP site boundary. This is  
17 Karst within the WIPP site.

18 This is a topographic map that I constructed by  
19 surveying the depression. These are one foot contour  
20 intervals, it's about nine feet deep, 600 feet in diameter.

21 Then going to the Caliche surface, I could then subtract the  
22 distance from the surface to the caliche, and map the caliche  
23 surface.  
24 The EPA has quite rightly objected that the  
25 Department of Energy did not provide to them any maps of the

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1 Mescalero Caliche surface in the multi-thousand page CCA.  
2 There are 16 of them in my dissertation. This is one and the  
3 shows that beneath WIPP 14 indeed this is a structural  
4 depression as well in the Caliche surface.

5 This is not hard cemented Caliche. This is powdery  
6 Caliche that is breached by rainwater leaving only remnants  
7 pockmarked with solution features.

8 Now beneath the Culebra dolomite at WIPP 14 and the  
9 Culebra is believed to be the most transmissive member of the  
10 Rustler formation, the Karstic groundwater formation.

11 Beneath the Caliche at WIPP 14 is 71.4 feet of mud  
12 containing fragments of gypsum and anhydrite. It's not solid  
13 rock at all. CARD interprets this as cave fillings beneath  
14 an obvious sink hole and the Department of Energy has yet to  
15 offer another explanation.

16 I did notice in the CCA that there's a statement  
17 which says that there isn't much dissolution east of Nash  
18 Draw. There are a few clusters of small dolens or sink holes  
19 east of Nash draw. And that they are in a prong of  
20 disillusion extending east of Nash Draw to WIPP 14.

21           The Department of Energy knows that this is a  
22   Karstic groundwater flowpath from WIPP 14 to Nash Draw. I'll  
23   get back to that in a minute.  
24           The Department of Energy has performed multi well  
25   pump tests at the WIPP site. They have almost 40 test wells

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1 now mostly in the wrong locations. I hasten to point out  
2 that even though open caverns were discovered at WIPP 33, and  
3 a mud filled cavern was discovered at WIPP 14, these were not  
4 turned into hydrologic test wells.

5 The Department of Energy never collected hydrologic  
6 data in known Karst features at the WIPP site. Even so, they  
7 have discovered hydrologic connections between certain drill  
8 holes.

9 Last year I pointed out these three in the  
10 northwestern part of the WIPP site and these 33 in the  
11 southeastern part of the WIPP site.

12 I have since come upon a report that acknowledges  
13 that this highly transmissive groundwater flowpath passes  
14 between these two drill holes and turns into Nash Draw to the  
15 H7 collapsed sink where another nested sequence of six  
16 caverns was discovered. This is one of the flow paths  
17 identified by Dr. David Snow and myself last year. We now  
18 have further evidence to support it.

19 We also identified a groundwater flowpath coming  
20 from the center of the WIPP side north eastward to drill hole

21 WIPP 13. We have not discovered that the Magenta  
22 dolomite in the Rustler formation which the Department of  
23 Energy has told EPA was not fractured in the vicinity of WIPP  
24 is, in fact, broken and shattered at WIPP 13.  
25 The tanager member between the two dolomite

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1 aquifers which have long been considered the most  
2 transmissive members of the Rustler formation. The tamarisk  
3 member is shot through with interconnected vertical fractures  
4 connecting the Magenta and Culebra at WIPP 13.

5 I found this interesting because David Snow and I  
6 had identified one flowpath flowing this way and another  
7 flowpath coming from WIPP 14 this way as evidenced by DOE's  
8 own multi well pump tests and then flowing out to the  
9 vicinity of H6, the WIPP 33 sink hole and out into Nash Draw  
10 at WIPP 25.

11 Now, the reason that -- let me state it another  
12 way. If you were to view this in map view, you would see two  
13 groundwater flowplus merging at WIPP 33. One coming from the  
14 WIPP shafts, one coming from the WIPP 14 sink hole and then  
15 merging and flowing this way. But the Culebra dolomite is  
16 already saturated at WIPP 13 and it cannot hold the  
17 additional water. So the water rises up into the Magenta  
18 dolomite which the DOE refuses to model and refuses to admit  
19 is a groundwater pathway.

20 CARD predicts that if the DOE would measure the

21 hydraulic heads in the Magenta at WIPP 13, that's the level  
22 to which water rises in a cased well, they would find that  
23 the hydraulic heads for the Culebra and the Magenta are equal  
24 at WIPP 13 as we know they are equal at H6 and at WIPP 25.  
25 By the way the caverns at WIPP 33 were all in the

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1 Magenta dolomite at the higher. Two open caverns in the  
2 Magenta, two open caverns in 49er gypsum above that, and the  
3 open cavern in the Dewey Lake Red Beds. These are obviously  
4 groundwater flowpaths. These are water filled caverns six  
5 feet high on the average from top to bottom.

6       Anyway, we have discovered another multi well pump  
7 test at WIPP 13. It turns out that WIPP 13 is connected to  
8 Nash Draw. When they pumped water out of WIPP 13, they  
9 measured the water levels in a number of wells to see if  
10 there was a response, if that water level dropped as well.  
11 Then they stopped pumping at WIPP 13 to see how long it took  
12 for the water levels to raise again in other wells.

13       These wells are four miles away. The response time  
14 was 26 hours. This is an existing hydraulic connection  
15 between WIPP 13 deep within the WIPP side where the Magenta  
16 dolomite is shattered, and WIPP 25 which is in Nash Draw  
17 which even DOE admits to be Karst. More frightening than  
18 that, there was also a response time in one of the WIPP  
19 shafts in the center of the WIPP site. They measured a  
20 response there.

21           The Department of Energy's own multi well pump  
22 tests showed an existing hydraulic connection between the  
23 WIPP shafts in the center of the WIPP site and one of the  
24 largest Karst features in the world, Nash Draw.  
25           I know the Department of Energy says in their

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1 Supplemental Environmental Impact Statement that groundwater  
2 flow at WIPP is unrelated to groundwater flow at Nash Draw.  
3 This statement has always been unsubstantiated and now it is  
4 disproven.

5       These are highly transmissive zones of water.  
6 These are transmissivities, the ability of the Culebra  
7 dolomite to carry water measured in square feet per day.

8       You can't draw contour lines. They don't vary  
9 randomly. There are discrete paths that have the highest  
10 transmissivities, I have marked them in bulls eyes, the same  
11 test wells that were shown to be hydraulically connected.

12       The Department of Energy collects such data and  
13 then discover that the groundwater velocities from test well  
14 to test well vary by a factor of one-millionth times, and  
15 they treat this as random variables.

16       They punch them into a computer and they do numbers  
17 crunching and they assume that any transmissivity will be  
18 randomly encountered at any given bore hole.

19       I'm a geographer. I got my doctorate in  
20 geomorphology from a geography department. When I novelist

21 data that doesn't seem to fit with the rest of it, I ask  
22 where.  
23 So I also correlated all of the bore hole data from  
24 all the WIPP bore holes and discovered that there were zones  
25 both above the Magenta dolomite and below the Culebra

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1 dolomite in members of the Rustler formation that were  
2 thought not to be a problem, not to be part of the  
3 groundwater flow system.

4       These zones were characterized by consistent  
5 inability to recover a core sample from the drill hole  
6 because the rocks were so unconsolidated. Sometimes there  
7 were complete washouts where the drilling fluid was lost as  
8 it flowed into those cavernous zones, and as you see, they  
9 snake entirely across the WIPP site, including most of the  
10 drill holes I have already shown you.

11       So that opens one more question about shallow  
12 groundwater hydrology. If there are cavernous zones snaking  
13 across the WIPP site, penetrating the WIPP shafts and  
14 connecting to Nash Draw, are these ancient features left over  
15 from the ice ages or do they carry water today?

16       There's a surface depression one mile long and 900  
17 feet wide narrowing to 200 feet wide as one heads westward  
18 toward Nash Draw. This is the WIPP site boundary right here.  
19 Most of this -- well, a large part of this depression is  
20 within the WIPP site.

21           Again I put in an array of hundreds of auger holes  
22 to test the subsurface, and then I came in with a backhoe and  
23 dug trenches as I did at WIPP 33 and 14 to expose the Caliche  
24 surface, to see once and for all what it looks like to see if  
25 it's a waterproof barrier everywhere present and everywhere

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1 preventing rainwater infiltration.

2 I found that the Caliche resembles Swiss cheese.

3 It has fractures, it has holes. The holes usually started

4 where a plant root penetrated it and rainwater would flow

5 along the hard cemented Caliche surface until it found a

6 hole. And it would enlarge that hold by dissolving the

7 limestone as it did so.

8 I found that about 15 percent of the Caliche was

9 missing. It is not a barrier at all to rainwater

10 infiltration. In fact, it actually helps, because the

11 rainwater flows along the surface, infiltrates into these

12 holes at which time it seeps through the Dewey Lake Red Beds

13 underneath the Caliche where that hard cemented Caliche

14 protects it from evaporation.

15 Now, the Department of Energy told the

16 Environmental Protection Agency that the Caliche is a

17 cemented surface and that it is typically present at the WIPP

18 site. An umbrella with holes in it is typically present but

19 water still gets through.

20 In the Department of Energy's response to CARD,

21 they did not deny that the feature I just showed you was a  
22 Karst valley. They didn't even respond.  
23 Now, if you're going to have any basic rudimentary  
24 understanding of a hydrologic system, you have to know where  
25 rainwater recharge occurs and where groundwater discharge

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1 occurs.

2 I showed you that the water discharges into Laguna  
3 Grande de la Sal, the big salt lake, but the Department of  
4 Energy has given a number of explanations which are basically  
5 guesses as to where recharge actually happens.

6 Again they should map their own data. This map  
7 shows two things. It shows in numbers the amount of  
8 dissolved solids in Rustler groundwater in the Culebra  
9 dolomite member of the Rustler formation. And it also shows  
10 in bulls eyes test wells in which the overlying Dewey Lake  
11 Red Beds were found to contain fresh water.

12 It is interesting that they all cluster right here  
13 at the center of the WIPP site and southward. This is the  
14 rainwater recharge area. That's why the water in the Rustler  
15 formation has small enough concentrations of dissolved salts  
16 as to be classified not even as brine.

17 Most of it is not fresh water but it is not brine.  
18 It is certainly mixed with fresh water, with rainwater  
19 recharge. We know now that the Dewey Lake Red Beds has open  
20 fractures throughout from top to bottom as evidenced at the

- 21 H3 test well where water was found streaming from an open  
22 fracture in the Dewey Lake Red Beds only 35 feet above  
23 Rustler formation.  
24       So if its dune sands are not a barrier to  
25 infiltration and if the Dewey Lake Red Beds are not a barrier

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1 infiltration and if the Mescalero Caliche is not a barrier to  
2 rainwater infiltration, there's nothing preventing rainwater  
3 from reaching the Rustler formation. That is why the Rustler  
4 water in the area which I have mapped as the recharge area is  
5 so much fresher than water in the eastern part of the WIPP  
6 site.

7       Now there is another way of looking at this. Why  
8 does the rainwater recharge happen there? In some parts of  
9 the WIPP site, there is another sandstone formation called  
10 the Santa Rosa sandstone. It doesn't block rainwater but it  
11 does inhibit it. And it exists only in the eastern part of  
12 the WIPP site, right here.

13       These test wells that show fresh water in the Dewey  
14 Lake Red Beds, often potable water I should add, all cluster  
15 where the Santa Rosa sandstone is absent, where the Dewey  
16 Lake Red Beds are in direct contact with Mescalero Caliche or  
17 if the Caliche has holes, in direct contact with the dune  
18 sands.

19       I showed this map last year as well. These are  
20 encounters of potable water at or near the WIPP site. I know

21 they want you to believe this is all brine and that it can't  
22 be used for anything but stock water. But there have been a  
23 number of encounters of fresh water, drinkable water in and  
24 near the WIPP site in both the Dewey Lake Red Beds and the  
25 Rustler formation.

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1        Now, the Department of Energy says this doesn't  
2 matter because their computer models show that radiation will  
3 never get into these under groundwater aquifers and,  
4 therefore, they are not potential pathways. It doesn't  
5 matter whether this water is drinkable or not.

6        Here we have a map showing dissolved salt, sodium  
7 and chloride, and we see, as would be expected, that in terms  
8 of milligrams per liter the water in the Culebra dolomite  
9 gets fresher and fresher as one gets from the eastern side of  
10 the WIPP site to the western side of the WIPP site toward  
11 Nash Draw.

12       This is consistent with the interpretation that the  
13 rustler formation becomes more and more Karstic as one goes  
14 toward Nash Draw. What does that mean? That more and more  
15 rainwater infiltrates into the Rustler formation and into the  
16 underground caverns such as those found at WIPP 33.

17       Over time, some of those caverns get bigger and  
18 bigger and carry more and more groundwater while the other  
19 caverns get choked off. So you have more and more  
20 groundwater flowing through fewer and fewer, larger and

21 larger underground caverns over time.

22 A Karst area does not become less Karstic, it only

23 becomes more Karstic.

24 I know that the Department of Energy in a response

25 to a legitimate concern by the EPA not to worry that there

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1 are gypsum fillings in the fractures, not to mention the  
2 caverns in the Rustler formation. But don't worry, this  
3 gypsum will not dissolve because the water that might  
4 dissolve it will be saturated with gypsum. Let's use our  
5 heads here.

6         Rainwater is not saturated with any mineral. It  
7 becomes saturated with gypsum only when it dissolves enough  
8 gypsum to become saturated. It is absolute folly to assume  
9 that these fractures will not become larger over time, that  
10 the fillings will not be dissolved away, that gypsum caves  
11 such as found at WIPP 33 will not become larger over time.

12         Another indication that water flows westward toward  
13 Nash Draw is shown here. This is basically a famous map.  
14 There are at least 21 reports of scientists working  
15 independently of each other who have concluded that the  
16 reason that the Rustler formation is 200 feet thicker at the  
17 western part of the WIPP site than it is at the eastern part  
18 of the WIPP site is because the salt has dissolved away. The  
19 rainwater has infiltrated to the Rustler formation to  
20 dissolve that salt and carried it away and it ultimately ends

21 up in the salt lake.

22 The Department of Energy quotes the studies of  
23 Dennis Powers and Robert Holt who work together as a team,  
24 they are both on the DOE payroll, and they are the only ones  
25 of whom I'm aware who deny this. Who say that the salt and

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1 the Rustler formation was never deposited in the first place,  
2 therefore, it was never dissolved away, not to worry, there's  
3 never been any disillusion in the Rustler formation.

4 How then did concentrations of dissolved salt at  
5 11,000, 13,000, 18,000, even 45,000 milligrams per liter,  
6 that is four and a half percent, how did that much salt end  
7 up in test wells in the Rustler formation where there's no  
8 salt in the Rustler formation?

9 The salt has all been dissolved away across the  
10 western part of the WIPP site. Not only that, but some of  
11 the top of the Salado salt has been dissolved away at the  
12 WIPP site, and the Department of Energy denies this too.

13 They are denying the validity of their have own  
14 bore hole data when they make statements like that. There  
15 are seven test wells and one WIPP shaft east of Nash Draw  
16 that show that the top of the Salado salt has dissolved as  
17 well. And the Rustler formation contains no salt at all  
18 across almost half of the WIPP site and contains salt only  
19 beneath the Culebra dolomite, the most transmissive member  
20 across most of the rest of the WIPP site.

21           Very briefly, why does this matter? How could  
22 contamination get from the WIPP site up into the Rustler  
23 formation which is above the repository? Here's another  
24 cross section. Again, vertically exaggerated as all cross  
25 sections are. Here's the repository level.

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1       Here's the Rustler formation which the Department  
2 of Energy models as containing three waterproof units that  
3 prevent water from getting into the Culebra dolomite. They  
4 refuse to model it the way it really is in the real world,  
5 one complex system of underground streams, even rivers  
6 flowing up, down and sideways containing five members. It  
7 has to be viewed in three dimensions.

8       What they say is only the Culebra dolomite at about  
9 this level of the Rustler will carry groundwater and that  
10 waste can never get up from the repository into the Culebra  
11 dolomite and, therefore, the WIPP site is safe.

12       We know that underneath the WIPP repository is a  
13 high pressure brine reservoir. It was actually penetrated by  
14 the WIPP flow drill hole one mile north of the center of the  
15 site. It's an Artesian brine reservoir. That means it is  
16 under so much pressure that it gushes to the land surface.  
17 It can even blow the equipment out of the hole and cause a  
18 lot of damage. And it flows for days and days and days until  
19 the flow stops.

20       The WIPP lives or exists in a known oil and gas

21 district. There are 120 oil and gas wells right now within  
22 two miles of the WIPP site boundary. The Department of  
23 Energy cannot control this site forever.  
24 As soon as the oil and gas men can drill within the  
25 WIPP site boundaries they will. They will drill right

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1 through the waste panels and they will penetrate this high  
2 pressure brine reservoir before they ever get to the oil and  
3 gas.

4       Maybe some of these oil drillers will properly case  
5 the drill hole and plug it according to New Mexico law. If  
6 they do, then that brine will have plenty of time to flood  
7 the WIPP repository, corrode the steel drums and dissolve  
8 the waste and create a slurry of radioactive waste and salt  
9 brine.

10       Brine means water that contains so much salt that  
11 it can't dissolve anymore salt, and so it can't enlarge the  
12 tunnels of the WIPP site, it can only go up the shafts or up  
13 the drill holes.

14       I found out lately that the Department of Energy  
15 attempted to seal three of their access shafts which were up  
16 to about 20 feet in diameter, and within two or three years  
17 three of those seals failed and water seeps in from the  
18 Rustler formation. They tell us that their next attempt at  
19 sealing the shafts will last for 10,000 years.

20       Also, when the oil and gas men have extracted most

21 of the oil from an oil field, they then engage in what is  
22 called secondary recovery. They inject high pressure brine  
23 deliberately into the well because the oil is lighter than  
24 the salt water. And it will force that oil higher up into  
25 the well and make it easier to extract.

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1        There was a case in southeastern New Mexico not  
2 long ago where a man named Doyle Hartman, was drilling for  
3 oil, and when he reached the Salado formation, the same salt  
4 formation in which the repository is built, he encountered  
5 pressurized brine that caused a blowout in his drill hole and  
6 cost him millions of dollars.

7        He sued Texaco for having injected brine at high  
8 pressures two miles away which caused the blow out, and Mr.  
9 Hartman won the case.

10       We know there are anhydrite beds in purees in the  
11 Salado salt, the same beds which exist directly above and  
12 beneath the repository within four feet of the floor, which  
13 are known to be able to carry high pressure brine for at  
14 least two miles and blow out a drill.

15       Remember, there are 120 oil and gas wells right now  
16 within two miles of the WIPP site. Three of them have been  
17 approved for brine injection. So if this repository floods  
18 with high pressure brine that dissolves the 55-gallon steel  
19 drums, corrodes them rather and dissolves the waste, you will  
20 have a high pressure slurry of brine and waste just waiting

21 to be penetrated by the next drill hole which could bring a  
22 large amount of the waste to the surface or to the Rustler  
23 formation, which then would travel through underground  
24 caverns all the way to the salt lake, which in times of major  
25 flooding overflows into the Pecos River.

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1       The Department of Energy must not be allowed to  
2 stop their analysis at the WIPP site boundaries, to ignore  
3 the salt lake and the Pecos River, because that is what  
4 allows them to underestimate the amount of groundwater by 100  
5 times.

6       They must account for that salt lake. It exists.  
7 You can go their. You can see it. They must account for  
8 that water. It comes from somewhere and it can only come  
9 from the Nash Draw watershed.

10       Plutonium will be able to travel at the speed of  
11 water through underground caverns. Picture it this way, the  
12 larger the cavern, the greater the volume of water compared  
13 to the surface area of rock on the walls of the cavern. Some  
14 of those radionuclides will travel unretarded at the speed of  
15 water and start arriving in the salt lake in as little as  
16 five years, certainly no more than 100 years from the time  
17 that the site is breached. And then in times of major  
18 flooding, those radionuclides will be carried out of the salt  
19 lake and into the Pecos River where the people live and  
20 they'll be carried out all at once.

21 I know it fluids into the Pecos River. We have  
22 measurements of the high water stage of the Pecos River and  
23 I've also walked all around the shore of the salt lake which  
24 is how I found that stream flowing into it from a spring fed  
25 smaller lake to the north.

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1 I looked at the salt crust above the lake level and  
2 I measured the high water mark that is indicated by the top  
3 of that salt crust and it is exactly the same elevation as  
4 the irrigation ditch that breaches a 10 foot ridge between  
5 the salt lake and the Pecos River.

6 I want the Department of Energy to start living in  
7 the real world, to stop hiding behind computer screens and  
8 overworking their data set, treating the numbers as random  
9 variables and doing numbers crunching in order to come up  
10 with the desired conclusion.

11 CARD has presented the first conceptual model of  
12 regional water groundflow that is consistent with all  
13 observed data, not just some, not just the convenient parts,  
14 not just the parts that are not easily explained, not just  
15 the part that fit a desired conclusion.

16 Even the peer review panel and even the DOE knows  
17 that they don't have a model that fits the data. That's  
18 because they won't admit that the WIPP site is in Karst  
19 because Karst is a fatal flaw. Thank you very much.

20 PRESIDING OFFICER: Thank you Dr. Phillips.

21           Next is it Dave Mitchell.

22           DAVE MITCHELL: All right, Richard I get to follow

23   you. Well, my presentation is a little more cavalier. Let

24   me see if I can keep on track.

25           First of all, with respect to WIPP, I think I have

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1 here the Department of Energy's response to a number of  
2 CARD's -- my name is Dave Mitchell and I'm a member of CARD,  
3 and my name is not prominently but there with Richard  
4 Phillips in some of these technical reports that have been  
5 submitted to the Department of Energy and this is their  
6 response to those.

7 First of all I'd like to say that the undisturbed  
8 scenario, the undisturbed condition for the WIPP site is an  
9 oxymoron. There's no such thing as the undisturbed  
10 condition. We always hear about the WIPP site being in  
11 bedded salt lakes that were created over millions of years,  
12 and they've been there for millions of years and that's why  
13 it's so good to put this in there because it's been there for  
14 so long undisturbed. We now have four giant drill shafts  
15 that go through all of these geological structures that have  
16 been there for millions of years, and it's fractured all the  
17 rock and it's crumpled up and that's what's known as the  
18 disturbed rock zone. And in the response -- the question was  
19 raised -- well, the question has come up over and over again  
20 how affective are the man-made seals that are going to be put

21 back into these shafts. The Department of Energy continually  
22 says oh, the seals are going to work. For purposes of our  
23 high-tech mathematical modeling and functions, the seals will  
24 work. Oh, but we're going to be continuously redesigning  
25 them for the next 20 years. That's in here.

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1 I'd like to say that there is no evidence that  
2 mankind has ever come up with anything to seal geologic  
3 structures. It just hasn't happened yet, according to some  
4 experts.

5 I think you from EPA are probably familiar with the  
6 old acid test in southern California. That's where a bunch  
7 of scientists got together and came up with high-tech math  
8 models and said we can safely isolate that toxic chemical  
9 waste in the geology. Of course, now you have the largest  
10 superfund problem and it is leaking into and contaminating  
11 drinking water wells in the southern California basin.

12 With respect to their response, the question was  
13 raised what about the high appreciate gas? You compress all  
14 of this waste and the steel and salt started coming together  
15 and starts generating it's own gas, plus the walls crunch in,  
16 ore comes up and you're compressing the volume of this air  
17 and gas is being generated to 146th of it's original volume  
18 and creating immense, immense pressures.

19 Well, the Department of Energy in their response  
20 says all that gas is going to be absorbed by the anhydrite

21 later that Dr. Phillips mentioned, and there is no mention  
22 made of well, is that high pressure gas going to make its way  
23 up through the stirred rock zone.

24 They never make the comparison that the high  
25 pressure gas goes in the anhydrite but it doesn't go into the

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1 stirred rock zone. They never address it in this response  
2 that I could find. So I think they need to do that  
3 comparison, for one. The assertion then is that the high  
4 pressure gas is going to open up fissures in the shaft seals  
5 and then the brine is going to follow and is going to be  
6 whisked off, as Mr. Phillips so eloquently described, off  
7 into the Pecos River ultimately.

8 I always like to say that digging a hole and  
9 stuffing waste down into it is a 5,000-year-old solution to a  
10 50-year-problem. We haven't had to deal with nuclear  
11 materials but for the last 50 years of our existence, and to  
12 put that into perspective, and I described this to Secretary  
13 Pena and I'll tell it to you, a nuclear reactor when it gets  
14 shut down has to sit there for 100 years while the cobalt 60  
15 decays to a safe enough level that humans can get in there  
16 and dismantle the core and take it off. Well, we haven't  
17 even reached the first 100 years of having nuclear materials  
18 in our existence yet we're racing to dump this stuff down a  
19 hole in the ground. Again that's what humans do, they bury  
20 their waste, like I say.

21           The other thing that gets dismissed, our ninth  
22 paper to the Department of Energy was basically a cry for a  
23 error analysis on human errors. The response is, and the  
24 ninth paper dealt with human error, both issues unrelated to  
25 DOE's CCA. In other words, there will never be a human

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1 error. Forklift trucks will operate perfectly, everything is  
2 going to go smooth, they'll always clean up. They will  
3 always -- I love this, if there is a spill, all of the  
4 radionuclides being a little bit warmer than the cool  
5 surfaces of the wall played out immediately, and that gives  
6 the workers enough time to run out of the building.  
7 That's -- anyway.

8       So there is never going to be any errors, no human  
9 errors. They dismiss that right away. And they also poo poo  
10 all the time when CARD says, well, what's this rush, there's  
11 new technology that's going to be developed that we can't  
12 even imagine in the next 100 years. Why are we building  
13 subterranean shallow tunnels far less expensive, maybe  
14 another tunnel underneath that to monitor seepage, and store  
15 all the barrels in there just under the surface at this  
16 generator site so we don't have to go trucking it all over  
17 the country, and wait for new technology to be developed.

18       I just read in one of the scientific journals about  
19 something called the plasma car wash. Have you guys read  
20 about this yet. Apparently Los Alamos, bless them, has

21 figured out a way to reorient the electron orbitals in a  
22 plasma. A plasma is a highly ionic, high temperature mix of  
23 gases which is the predominant substance of universe, and  
24 they've never been able to make it exist in anything other  
25 than a vacuum, but they figured out a way to do this and so

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1 you have a plasma that exists in open air for a few seconds.  
2 That plasma ark, that jet, the specific purpose for this  
3 thing, and they are building a bigger prototype now, is to  
4 sweep heavy equipment that's been contaminated with plutonium  
5 and instantly ionizes the plutonium and then it's sucked off  
6 and then trapped in a filter.

7 Well, half of the volume of WIPP is scheduled to  
8 receive contaminated heavy equipment from the Hanford site.  
9 You just made with an advance in technology that occurred  
10 last year, half of WIPP obsolete. It's already happened. So  
11 why (applause) -- the assertion that there's no other  
12 technologies and this is our best solution of 5,000 year old,  
13 dump it in the group, forget about it, it doesn't wash. It  
14 doesn't wash.

15 So my final comment is we were preparing an  
16 educational video to show school kids that yeah WIPP, there's  
17 something in New Mexico that's called WIPP and this is what  
18 it looks like. And we picked out a little clip of a CBS  
19 video. And we were going through it and I said wait, wait,  
20 wait, back that up. Let's look at that again. I just

21 couldn't believe it, because in the Waste Acceptance Criteria  
22 for these barrels of waste it clearly says there will no free  
23 liquids. So the journalist that shot the various clips  
24 happened to be in the room where they were x-raying the  
25 barrels and they were spinning the barrels around, and the

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1 one barrel they happened to catch on video, if you look at  
2 the x-ray monitor and you look inside the barrel, they zoom  
3 in for a split second and inside that barrel you see an  
4 inverted bottle. And inside the inverted bottle is this  
5 little bit of liquid that is floating around in there.

6 I said, now, get out your -- you've had statistics,  
7 what are the statistics, what is the probability of how many  
8 of those barrels have free liquids in them if you could just  
9 take a purely random sample by a journalist that happened to  
10 be looking at the monitor at the time and extrapolate that.

11 So the point of that story is that EPA, if there's  
12 anything that they have stuck to their guns on, it's been the  
13 waste characterization problem. You've got all this super  
14 high pressure stuff being mixed together down there and you  
15 guys have consistently insisted at the DOE's objections that  
16 you've got to sort that stuff more carefully. You've got to  
17 keep particular types of toxic chemicals, hazardous wastes  
18 and things that could react severely, away from each other  
19 and I'm just asking you to stick to your guns on that.

20 And -- where's Ramona, by the way?

21           PRESIDING OFFICER: She has another job now.

22           DAVE MITCHELL: Another job. Within EPA? See

23 Ramona made the big stink when we started talking about the

24 shaft seals and all that.

25           Anyway, stick to your guns and hang on. Thank you.

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1       PRESIDING OFFICER: Thank you.

2       Next is Joan Woodard.

3       JOAN WOODARD: I'm Joan Woodard. I'm the  
4 vice-president for the Energy and Environment Program and  
5 Sandia National Laboratories. It's my pleasure this evening  
6 to speak for Sandia.

7       Sandia Laboratory supports the EPA draft rule and  
8 believes that WIPP should be certified as a facility for  
9 transuranic waste disposal. And that it can separate safely  
10 and within the EPA repository standards.

11       Sandia has had responsibility for the scientific  
12 evaluation and aspects of WIPP since 1975. This represents  
13 the longest continuous scientific project at Sandia  
14 Laboratories.

15       Over that time WIPP has received more intense  
16 scientific study and scrutiny than any other comparable  
17 project in this country and internationally.

18       Sandia's convinced that WIPP is well understood and  
19 can provide containment from more than the 10,000 regulatory  
20 period. Scientific programs has utilized recognized experts

21 and been conducted openly and consistently with the  
22 scientific principles of peer review.

23 There have been extensive publications in  
24 professional journals with peer review. There's been  
25 oversight by the National Academy of Sciences as well as by

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1 the New Mexico Environmental Evaluation Group.

2 In addition, there's also been extensive national  
3 and international review groups. All of these groups have  
4 made valuable and accepted recommendations that have enhanced  
5 the confidence and compliance.

6 Concern has been involved in the technical process  
7 in many different ways, including attendance in the technical  
8 information exchange room with EPA.

9 Sandia's evaluation of compliance has been  
10 conservative to provide additional confidence to long term  
11 predictions. Further the EPA designed assessments with even  
12 greater conservatism still showed WIPP to comply with a large  
13 margin of safety even in the unlikely event of human  
14 intrusion.

15 Sandia's review of the EPA draft rule has convinced  
16 us that EPA thoroughly understands the issues and has  
17 addressed the issues in a conservative way.

18 National and international scientific review groups  
19 support the certification and operation of WIPP. Sandia  
20 concurs that WIPP can safely isolate waste for well beyond

- 21 the regulatory 10,000 year period.
- 22 Additional scientific study is not required to
- 23 allow EPA to certify WIPP, already the most intensely studied
- 24 and understood facility.
- 25 In conclusion EPA should certify WIPP for receipt

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1 of transuranic waste without further conditions than those  
2 imposed in the draft rule. Thank you.

3       PRESIDING OFFICER: Thank you.

4       Is Allan Cooper here?

5       ALLAN COOPER: My name is Allan Cooper, and I'll be  
6 very brief.

7       I read an article in the paper about how supportive  
8 the people in Carlsbad, New Mexico are concerning the WIPP  
9 project, and I can tell you that I did door-to-door work in  
10 Carlsbad several years ago and it wasn't as overwhelming as  
11 you think.

12       There are a large number of people that live in  
13 that community as well as in Albuquerque and other  
14 communities, that are dismayed like I am and are not  
15 participating in this hearing.

16       If I lived in Carlsbad, and I have been lobbied to  
17 the tune of \$1.5 to \$1.7 billion, I might be in support of  
18 the WIPP project too, because that's how I see it. It's the  
19 kind of buying off of a community. I have a ten-year-old  
20 son. His name is Malcolm, and I feel like I'm standing here

21 in his behalf.

22 And I'm standing here in behalf of a lot of people  
23 that I know who are not in the audience. I know a lot of  
24 people here and a lot of people who are not here. And  
25 without being too presumptuous, I've got to tell you that I

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1 feel -- I've been in front of you at these kind of hearings  
2 about three times. I've been against the WIPP project from  
3 the beginning, and I feel real deep kind of cross between  
4 resentment and dismay because I feel the people I'm looking  
5 at -- and I know it's presumptuous, you don't really give a  
6 shit.

7       That's how -- and I'm not performing for these  
8 people. I'm just telling you what's coming out of my heart.  
9 I feel kind of like it's a benign arrogant listening which is  
10 just nonlistening. I don't think you care. I think your  
11 minds are made up and for that breaks my heart, because as a  
12 traditional land based people feel, they feel like they have  
13 responsibility for seven generations, and that's where I'm  
14 coming from.

15       I'm an ex-Christian who is sort of a cross between  
16 a Buddhist and Sweat Lodge Follower. I didn't get there  
17 easily.

18       I guess what I want you to know is who I am, that  
19 I represent a lot of people who are not here. They didn't  
20 even consider coming because they don't think there's

21 any -- there was any value in coming.

22 I'm talking from my heart. I'm not talking as a

23 CEO or as a school teacher -- I've been a school teacher for

24 30 years, a private investigator for 20. I worked for Martin

25 Luther King in the 60's. I was in jail -- in the same

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1 jail -- well, not in the same jail because they were  
2 segregated, but in the next cell over, so I'm coming to you  
3 representing a lot of people and I want you to know that.

4 I don't know how much real power you have or if  
5 you're a window dressing, as many people feel you are. I'm  
6 not trying to put you down. I'm just telling you how the  
7 perception that other people have of this process, that it's  
8 not really a process it's just a formality.

9 Yet I'm not performing, okay, I'm just talking from  
10 my heart. I started writing out all kind of notes and I  
11 decided not to write any notes and just to tell you what's in  
12 my heart. There are a lot of people, man, who are  
13 intelligent, caring, loving, compassionate, intelligent  
14 people who despise and are despised by the whole process of  
15 moving nuclear waste around.

16 Just a couple -- last month trucks went across the  
17 country and they found out they were dripping all over the  
18 place. Does that tell you something? If you have any  
19 understanding of the nuclear fuel cycle, you've got to  
20 understand what we're talking about. I hope you understand

21 what we're talking about.

22 I don't know who you are. I don't know your names.

23 I see names in front of you with titles. I guess that's it,

24 you know. I just want you to know that I'm here, that

25 there's a crowd, a silent, invisible crowd listening.

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1           I left a group of friends tonight that I've been  
2 meeting with for six years, six of them, five are present  
3 tonight, Ike Benson, John Wright -- I don't know if I have  
4 the right to use their names in front of you -- but five  
5 people and they all patted me on the back and they said give  
6 them hell Cooper.

7           They knew about the hearings and they didn't come,  
8 and I think it is real significant because it is part of a  
9 process of disempowerment and people not feeling like we have  
10 anything left. We don't have any real political power and  
11 people bought into that for whatever reason, for a variety of  
12 reasons and are not here tonight. Because if the full power  
13 of people's feelings were being manifested by their bodies  
14 here tonight, you wouldn't be able to pack this convention  
15 center, okay, because that's where it's at. That's the  
16 attitude, that's the feeling.

17          It's a high dollar thing and it's going to go  
18 through because Domenici wants it to, among others, Domenici  
19 being probably one of the most politically powerful people in  
20 the western hemisphere now, and I'm really sorry that he's

21 sold his soul to the capitalist devils like many people have.  
22 That's how I feel. It's all up to you.  
23 I see you all looking at me intently, but I just  
24 hope you heard it, because people are going to do everything  
25 and there's going to be all kinds of things to stop WIPP.

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1 We'll stop it. We'll continue to stop it because we care.  
 2 We've stopped it for what, 15 years now and we'll continue to  
 3 stop it. (Audience clapping.)

4 We care about our future. We care about our  
 5 children, man, our children. I say what I mean because I  
 6 have a child -- actually I have several children. That's who  
 7 I'm speaking for because they are not here tonight. They are  
 8 in bed where they should be right now. Thanks.

9 PRESIDING OFFICER: Thank you.

10 I think I'm going to take about a five-minute  
 11 break. We didn't have a break scheduled but we're going to  
 12 be running for a while, I think. So for those who can't  
 13 leave, let's take maybe about a five or ten-minute break and  
 14 we'll start out in ten minutes.

15 (A SHORT RECESS WAS TAKEN.)

16 PRESIDING OFFICER: Let's get started again.

17 The person is Dave Pace. Is he here?

18 DAVE PACE: Good evening. My name is David Pace  
 19 and I'm here representing the Central American Peace Alliance  
 20 and obviously they don't focus on nuclear issues, but we had

21 talked to people in Central America who have had to deal with  
22 us trying to ship our nuclear waste out there.

23 I really am very appreciative of people who put in  
24 effort, Richard Phillips and Dave Mitchell, and I came in  
25 late so I didn't hear a lot of well prepared statements.

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1           I appreciate the effort that they put in, but I  
2 really couldn't motivate myself to put in a whole lot of  
3 effort because I, like Al Cooper, just don't have any faith  
4 in this process. We're organizing our own process outside of  
5 this because that's just what we believe it's going to come  
6 down to.

7           I read the comments DOE made about people who said  
8 that they don't trust the government. They just said we're  
9 not breaking any laws, they haven't broken any laws. And  
10 they didn't feel that it was important -- and I guess this  
11 was the document that you reviewed and said was sufficient,  
12 but they said that they hadn't broken any laws, they weren't  
13 breaking any laws, and they didn't make any mention of  
14 accident. Certainly there have been accidents.

15          Of what I know, there's Oak Ridge, Rocky Flats,  
16 Hanford. And I want to know -- we don't trust them because  
17 of these things. What have they done organizationally? How  
18 do address these problems? How are they going to assure that  
19 that doesn't happen again?

20          They didn't see fit to answer in that fashion. I

21 think that was just indicative of their attitude toward the  
22 project.

23 And the woman who got up here from Sandia and said  
24 they spend more resources on this project than any other  
25 topic, why is it that Richard Philips, operating on a shoe

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1 string, is the one that discovers the water flow pattern and  
2 they don't know the water flow pattern after all the  
3 resources they've put into it.

4 I worked at Sandia National Labs and I wasn't real  
5 impressed. One of the things I thought about when I was  
6 deciding whether or not to put in effort into trying to put  
7 some analysis into the material that I've seen was, like I  
8 said, that this process just is a farce. And I think that's  
9 true, just the whole nuclear process, the whole nuclear issue  
10 and how much our government deals with it.

11 I mean, a month or so ago when the Chinese premiere  
12 was here, we cut a deal to sell this guy 60 nuclear reactors  
13 or something like that, because China was now a safe business  
14 partner or they are going to act responsibly with these 60  
15 nuclear reactors. For God knows what reason, but they are  
16 going to do it so we're going to give them to them.

17 Then a week later I'm told that our nuclear arsenal  
18 is going to be used to do deter chemical and biological  
19 threats, and it's now going to be redirected at China.

20 It's hard to understand why we're going to sell

21 reactors and then we're going to point the missiles at them  
22 because they're not safe. There's no sense to it and in  
23 putting anymore effort into analyzing the materials that I've  
24 had.  
25 I've gotten feedback from the DOE and I looked at

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1 that and I didn't think that was very good. And then I read  
2 about how they put materials through a simulated crash test.  
3 They didn't crash it, they didn't burn it at the temperature  
4 that it could burn at if a crash, propane truck, because that  
5 would only affect part of the vehicle.

6 Well, that's what they assume. They assume that  
7 the propane fire is just going to surround part of the TRU  
8 pack, so what they do is they heat up to a much lower  
9 temperature.

10 Well, when we're dealing with nuclear waste flying  
11 down the highway with propane flying down the same highway  
12 and drunk drivers like no place else in the country, maybe  
13 you should go a little bit farther than you think would  
14 probably work.

15 So that's about all. I was really disappointed  
16 that the EPA went ahead and said that they thought that the  
17 Compliance Certification Application was complete.

18 It seemed pretty clear to me that Senator  
19 Domenici's threat of withdrawing funding from the EPA had  
20 something to do with that, and I don't know what else there

21 is to say.

22 Like Al said, there were a lot of people who just  
23 don't come because they don't believe in the process. And  
24 I'm just sorry it has to be this way and we'll work our own  
25 process, because that's just what needs to be done.

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1 I'd like to thank Dave Mitchell for bringing up the  
2 issues of -- we've got new technology to deal with better  
3 than just shoving it in the ground. And Actually, I'm  
4 looking forward to watching your video.

5 I'd just like to thank the large number of people  
6 who came out here to voice their opposition.

7 PRESIDING OFFICER: Thank you for coming.

8 Kathy O'Neill.

9 KATHY O'NEILL: I'm Kathy O'Neill and I'm here  
10 representing CARD and myself and Central American Peace  
11 Alliance. And I work for MCI.

12 I'm not really sure where to start except to say  
13 that I was an air force brat and I was raised by an Air Force  
14 Colonel, so I have a lot of respect in many ways for the  
15 government and United States. But I've been really disgusted  
16 with what I've seen since I've moved to New Mexico in regards  
17 to this radiation threat.

18 I spent a lot much time since I moved here in a lot  
19 of different hearings and talking to a lot of different  
20 people about a lot of different issues concerning radiation.

21 And I'm finding out that there's a lot of little shady stuff  
22 going on and a lot of people are being made promises that  
23 aren't being kept, particularly people who have been exposed  
24 to radiation at the DOE sites.  
25 I know that the law states these people are allowed

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1 compensation, that they should be getting compensation and  
2 that they are not. Or that they are being but deals so that  
3 no precedent is set so further more people can file suit and  
4 get compensation.

5 I'm wondering a couple of different things. What  
6 concerns me is if there's low level radiation leakage in  
7 Carlsbad, why there hasn't been a baseline health study done  
8 previous to the WIPP site, the opening of the WIPP site to  
9 determine exactly what the status is down there of the  
10 different kinds of cancers that are caused by radiation. Why  
11 that money hasn't been spent.

12 People down there are owed that. They need to know  
13 what they're up against. They need to know that the water in  
14 Albuquerque is polluted from Sandia Laboratories, and that  
15 children here are dieing of Leukemia. And that people are  
16 getting brain cancer in Los Alamos.

17 And that only 20 percent of the waste that's  
18 causing the problem in this country is going to go to WIPP  
19 and that the rest of it is going to stay at the sites where  
20 it is and continue to cause the same problems it's been

21 causing and people are going to continue to die of radiation

22 poisoning -- of cancer.

23       It just appalls me. I can't believe it. The more

24 I hear, the more I talk to people, the more I talk to

25 downwinders, the more I talk to people who've been at these

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1 sites, the more I hear about how they were lied to, how they  
2 were told they would get compensation and they didn't get it.  
3 How they were never even treated like human beings by this  
4 government.

5 They are our sacrificial lambs. They are the  
6 people that are dieing because of the cold war, I thought the  
7 cold war was over.

8 We're very disappointed in this state because we  
9 have no power. We have Senator Domenici telling us what  
10 we're going to do and that's it. And you have Senator  
11 Domenici telling you what you're going to do and that's it,  
12 and we're tired of it. (Applause.)

13 All I can say is that I think that the EPA needs  
14 to, if it's really going to address this issue, and I'm no  
15 expert on environmental waste and no expert on nuclear waste,  
16 but I know it is not being taken care of; and we all know  
17 it's not being taken care of; and we all know that WIPP's not  
18 going to take care of it; and we all know WIPP may become  
19 another one the 90 percent of the DOE sites that are  
20 contaminated and that more people may die of cancers because

21 of the radiation contamination. And we're very, very  
22 concerned and we live here.  
23 And please, before you start carting that shit down  
24 there, will you do what you need to do to make sure that it's  
25 safe. And if it's not, will you please do something about

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1 what the stuff and where it is. It is killing people and we  
2 don't want to be the next victims. Thank you.

3 PRESIDING OFFICER: Harry Willson.

4 HARRY WILLSON: Good evening. My name is Harry  
5 Willson. I'm a writer, publisher, a father and a  
6 grandfather, a husband, and other things.

7 When I signed up for this moment of testimony, I  
8 didn't know that the period was reserved for experts. So  
9 when I found it out in the paper, it said it was -- of course  
10 the papers don't have it right always -- I asked myself what  
11 kind of expert am I.

12 I'm not a specialist in geology. I honor your  
13 work, sir, or mining technology or radioactivity or oncology,  
14 all of which are appropriate here. I've become an expert in  
15 not being a specialist. I'm a generalist, not to say,  
16 pantologist. I make connections between compartments.

17 I've read in eager to jump across the boundaries  
18 that create and separate the areas of expertise from each  
19 other which causes the gross compartmentalization. What an  
20 old psyche professor long ago labeled logic tight

21 compartments.

22           When me wife and I visited WIPP last month, we were  
23 impressed in the sincerity and the compartmentalized thinking  
24 of the staff there. They have this mandate from the Congress  
25 quote, find a way to store nuclear waste underground safely,

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1 unquote.

2       They don't ask whether that is a good idea or  
3 what's the connection between that and preservation of the  
4 nuclear weapons arsenal, they just proceed with their  
5 mandates. They believe and they say they believe, and they  
6 look sincere about it, that they have done what the mandate  
7 mandates.

8       But I do not believe that, because I find that  
9 scientists who are not employed by DOE or DOD, and that  
10 includes all the scientists who have done all of that work at  
11 Sandia.

12       Other scientists not employed by DOE, experts in  
13 their field of geology and hydrology, do not believe that  
14 WIPP is safe. Dr. Phillips gave you chapter and verse just  
15 tonight.

16       If I have an area of expertise, it is history.  
17 Again, not a narrow Ph.D. thesis type of historical expertise  
18 in a very ridiculously narrow field, but again a wide  
19 sweeping general planetary history given the safety record of  
20 DOE at Rocky Flats, Hanford, Oak Ridge, Los Alamos and other

21 places.

22           It seems to me unwise, not to say insane, that DOE  
23 should be allowed to determine the safety of it's own  
24 practices. And you, gentlemen and lady, you should not be  
25 pressured by purchased congresspersons to do anything other

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1 than see to the safety of the citizens, all of the citizens  
2 of our country and of the world, the environment -- that's  
3 the name of your thing -- the environment is the whole world.

4 My other field of expertise is mythology. This  
5 provides a kind of elderly wisdom easily dismissed by  
6 experts, but in the long run usually verified by events.

7 The innate wisdom of humanity says it is unwise to  
8 set problems aside without solution, to bury them or to lie  
9 about them. Truth will out. Chemistry and geology and  
10 hydrology and radioactivity cannot be successfully fooled.

11 Nature cannot be deceived or placated. It deals  
12 truthfully and demands in the long run truthful dealings.

13 History and mythology teach that humans easily fall  
14 victim to what the Greeks called hubris, defined as pride,  
15 arrogance so great it verges on madness. That's the  
16 definition of hubris.

17 Creating plutonium in order to make bombs to defend  
18 our grossly unequal standard of living was the height of  
19 hubris. Making more of it, which is what WIPP is really,  
20 really all about, is additional hubris with some inkling of

21 understanding thrown in, because here we are throwing our  
22 understanding at you, and some prevarication thrown in also.  
23 This is especially true, the fact that it's pure  
24 hubris, especially true now that there's no enemy in sight  
25 worthy of the incineration of the planet.

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1           WIPP isn't safe. We know it, you know it. WIPP  
2 wasn't a good idea in the first place.

3           So I'm often asked when I begin to say things like  
4 this, well, what issued we do with it, this poisonous  
5 material with the half life of 25,000 -- not 10,000 -- 25,000  
6 years. The staff at WIPP needs to be instructed as to the  
7 meaning of half life. They think the 10,000 years takes care  
8 of it. It will be 250,000 years before it's begun to take  
9 care of it. At this rate, that is of burying it there. I  
10 have an answer, believe it or not.

11          First off, quit making more of it. If we've not  
12 decided the fact yet, you ought to be able to tell the  
13 government of the United States this stuff is dangerous, we  
14 don't know what to do with it, so don't make anymore.

15          Until then -- but it leave what there is of it  
16 where it is. If that causes the shutdown of additional  
17 nuclear bomb factories, so be it. They need to be shut down.  
18 This includes Los Alamos National Laboratories and Sandia  
19 National Laboratories. Go to work you folks. Work which  
20 could be done in those laboratories once bomb making and

21 upgrading has been totally renounced. Go to work to discover  
22 a new technology -- someone spoke of the new Manhattan  
23 project -- one that will speed up the rate of radioactive  
24 decay.  
25       Here's my idea for you. A laser type beam perhaps.

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1 Turn it on the stuff. Uranium turns to lead while you watch.  
2 Plutonium becomes a problem with a manageable timeframe  
3 dozens of years maybe instead of dozens of thousands of  
4 years, but meanwhile WIPP should not open and our highways  
5 should not be strewn with this material.

6 If I had more time, I would describe in detail the  
7 way Leukemia kills little children. Believe me it is not  
8 pleasant to watch. I know because I have done it so I'm an  
9 expert.

10 (AUDIENCE: Stop the nuclear madness.)

11 PRESIDING OFFICER: Thank you very much.

12 Margaret Chu.

13 MARGARET CHU: Thank you for the opportunity for me  
14 to comment on EPA's proposed certification of the WIPP.

15 My name is Margaret Chu. I work at Sandia Labs on  
16 the WIPP project here at Albuquerque. Today, however, I'm  
17 speaking for myself as a member of the general public, just  
18 like everybody else.

19 First I would like to voice my strong support of  
20 EPA's proposed decision to certify the WIPP repository. I

21 believe the process and the criteria EPA used to evaluate the  
22 adequacy of the application were extraordinarily thorough and  
23 meticulous.

24 EPA has spent months and months of time combing  
25 through records of data, analysis and computation. The EPA

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1 dedicated a large number of full time staff and contractors  
2 to it's review during the last year. Under the requirements  
3 of EPA regulations, an independent peer review panel was also  
4 convened to judge the adequacy of the conceptual models used  
5 for the calculations.

6 In addition, EPA has requested a large amount of  
7 additional information during this evaluation period, and it  
8 has also conducted it's own calculations to verify that the  
9 analysis in the application were indeed correct. Even though  
10 concerned stakeholder groups have been involved in the  
11 technical process throughout the whole project, sometimes  
12 these groups choose to continue to pursue issues that are not  
13 supported by science.

14 For example, experimental as well as extensive  
15 natural analog data have shown that the hydration of a  
16 magnesium oxide backfill will produce hydromagnesite and  
17 eventually magnesite instead of nesquehonite.

18 The EEG chose to ignore the scientific evidence and  
19 decided to use nesquehonite as the chemical mineral in their  
20 own calculations.

21 Another example will be the transportation accident  
22 risks emphasized by some individuals. In fact, the  
23 containers used to transport these wastes have been carefully  
24 designed and thoroughly tested. It has been demonstrated  
25 repeatedly there will be no leakage of radioactivity even

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1 under the most severe accident scenario.

2 I can site many, many more examples like these. We

3 as responsible citizens need to make decisions based on

4 scientific facts and facts only. The EPA's conclusion that.

5 WIPP can provide a safe disposal of transuranic waste is the

6 result of 20 years of thorough investigation and studies

7 conducted by reputable scientists and engineers.

8 The site and the facility have received more

9 intense scrutiny than probably any other project in this

10 country. I believe every scenario has been analyzed, every

11 test has been conducted and every uncertainty has been

12 addressed.

13 All of this work has been carefully reviewed and

14 endorsed by international as well as U.S. review groups. I

15 believe the safety and the soundness of the WIPP system have

16 been fully demonstrated. The decision to open WIPP just

17 doesn't seem hard to make.

18 I'm a mother of three children. I have exactly the

19 same concerns as everybody else in the state of New Mexico.

20 I believe we know what to do, we know how to do it and we can

21 afford to do to solve this national problem.

22 We need to move the certification process forward

23 and start bringing waste to WIPP. Thank you.

24 PRESIDING OFFICER: Thank you for your testimony.

25 Next is Louise Pribble.

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1        LOUISE PRIBBLE: My name is Louise Pribble and I'm  
2 a preschool teacher here in Albuquerque. I really hate  
3 public speaking so I'm very nervous, but I'm here because I  
4 couldn't be silent about this issue.

5        I'm here to voice my concerns over WIPP as well as  
6 the way that EPA has handled reviewing the safety of WIPP. I  
7 know others have talked on the same points I'll be speaking  
8 on tonight, but I believe these issues need to be pointed out  
9 over and over again until someone listens.

10       First of all, WIPP is the first project of its kind  
11 ever to be built in the world. There has never been a  
12 permanent underground nuclear waste site built or used,  
13 therefore, it seems every single exhaustive measure of  
14 caution and research should be used before anyone thinks of  
15 opening up such a permanent facility.

16       I do not believe this has been done by either the  
17 DOE or the EPA, and I do not believe that WIPP is safe or  
18 that EPA has done their job to look out for the safety of New  
19 Mexicans.

20       There are many reasons why I have concerns about

21 WIPP, but tonight I will focus on only two. First is the  
22 fact that most of the waste that are put to be put into WIPP  
23 have not been characterized, therefore, there's no way of  
24 knowing what sort of releases might occur.  
25 Without knowing the specific characteristics of the

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1 waste drums that will be placed into WIPP, the EPA cannot  
2 know if the existing waste conforms to the waste streams that  
3 are assumed in the Compliance Certification Application  
4 submitted by the DOE.

5 Neither the DOE nor the EPA know the  
6 characteristics of the waste that is to still be generated  
7 which constitutes the majority of the waste that is proposed  
8 to go into WIPP. With this lack of information, it is absurd  
9 to say that safety of WIPP can be guaranteed.

10 The second concern I would like to voice is the  
11 EPA's refusal to disclose the names and qualifications of the  
12 contractors that provided their technical support to EPA's  
13 research. How are we as citizens supposed to have faith in  
14 EPA's reports and findings if those who research and write  
15 them do not stand behind them with their names, but instead  
16 remain anonymous. It seems only obvious that the  
17 qualifications and names of those responsible for the safety  
18 analysis of something as permanent as WIPP should be provided  
19 to the public. The fact that they have not provided makes me  
20 keep asking the question why these people are not standing

21 behind their work.

22 As I said earlier, these are just two of the many  
23 concerns I have about WIPP. A lot of my other concerns have  
24 been brought up much more eloquently this evening by my  
25 peers.

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1       We are speaking out about WIPP because we care  
2 about the state and our families and friend who live in it.  
3 Do not ignore our voices.

4       PRESIDING OFFICER: Thank you for coming and for  
5 your testimony tonight.

6       Ruth Weiner.

7       RUTH WEINER: My name is Ruth Weiner. I'm a  
8 resident of Albuquerque. For the record and because some  
9 comments have made, I have a Ph.D. in Chemistry from Johns  
10 Hopkins University. Before coming to New Mexico, I spent  
11 roughly 35 years teaching Chemistry, Environmental Sciences,  
12 and most recently at Western Washington University where I  
13 was Dean of the College of Environmental Sciences. So not  
14 all scientists who are not employed by the government oppose  
15 the WIPP, because I was for a long time not employed by the  
16 government and I do not oppose WIPP. I support the  
17 certification.

18       I'm currently employed at Sandia National  
19 Laboratory and worked on WIPP staff from January 1995 through  
20 September of 1996, and sporadically since then.

21           During 1993 and 1994, I was employed by the  
22 Environmental Evaluation Group of New Mexico. My statement  
23 here is strictly my own, does not reflect or represent the  
24 views of either of these organizations, and, in fact, has  
25 been not been reviewed by Sandia.

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1       Both EEG and the Attorney General of New Mexico  
2   worked hard to have EPA be the certification oversight agency  
3   for the WIPP, and the WIPP is not self-regulated by EPA.  
4   Now, I'm glad they did, because EPA has done a very thorough  
5   review of the certification application.

6       I had occasion to study EPA's review of source in  
7   some detail and I want to tell you, they didn't miss a single  
8   item. I note with interest that in evaluating the affects of  
9   magnesium oxide on actinine solubility, EPA pointed out that  
10   DOE has been, in fact, too conservative and had overestimated  
11   the solubility. But in response to something the previous  
12   speaker said, the WIPP was modeled as a slurry of all the  
13   waste mixed together and all in contact with any brine that  
14   could come into it.

15       My purpose here is not to dwell on details which  
16   are very well documented in the EPA technical review, but to  
17   state my agreement with the overall EPA findings for  
18   certification. EPA finds the probabilities of release from  
19   the WIPP as projected 10,000 into the future are well within  
20   compliance with the standards of 40 CFR part 191.

21           That's what DOE is required to demonstrate to EPA's  
22 satisfaction. The standard is a probabilistic one so the  
23 demonstration of compliance is also probabilistic.  
24 Projecting 10,000 years into the future, that's the best you  
25 can do. We will never know how accurate the projections for

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1 modeling are, but they are based on a very well researched  
2 geologic formation and current knowledge of geochemistry and  
3 material science.

4 EPA has established to its satisfaction that even  
5 very conservative inputs to performance assessment do not  
6 result in violation. There are those who might argue with  
7 the standard itself, but that argument is not an appropriate  
8 subject for the present discussion and should have been taken  
9 up in 1985 when the standard was promulgated.

10 I'm not concerned with nit picking, so I can pick  
11 the wrong weight unit factor, but it's the basic idea of the  
12 standard. That should be allowed to stand today and  
13 shouldn't be brought up any further. Various groups, many of  
14 them at these hearings, have raised objections to the WIPP,  
15 however, no one has demonstrated that the assessments of  
16 WIPP's performance is flawed or that the WIPP cannot be  
17 projected to meet the EPA standards, and that compliance with  
18 the EPA's standard is the only significant criteria.

19 Arguments are made that we should leave the waste  
20 where it is, that WIPP is not a perfect answer, that science

21 will find a way to treat or dispose of it. While the  
22 argument might have some validity if mine geologic disposal  
23 had not been thoroughly studied and were not disposal methods  
24 the choice for essentially every country in the world that  
25 has this particular problem.

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1        Leaving the waste where it is poses greater risk  
2 particularly when you consider human intrusion is much to  
3 back a truck over a drum of waste than to drill down half a  
4 mile into the ground. Moreover, there are no perfect  
5 answers. Civilization would have made no progress at all if  
6 people had not tried imperfect solutions to problems.

7        Argument are made that the WIPP doesn't handle all  
8 TRU waste or all radioactive waste or all DOE waste or all  
9 high level waste. The proponents of such arguments are the  
10 very people who are against using WIPP for high level waste  
11 and were in part responsible for the WIPP being a TRU rather  
12 than high level waste repository.

13        So what if the WIPP doesn't handle all TRU waste.  
14 Do we put all of the nations municipal waste in a single  
15 landfill, or all the hazardous waste in a single facility.

16        In closing, I would like to caution that proponents  
17 of any project can always rationalize doing nothing. They  
18 can always find a detail or two, particularly in a project of  
19 this magnitude and complexity that they don't like or would  
20 have done differently.

21           You at EPA have made an excellent and thorough  
22 analysis, and I encourage you to stick to your conclusions.  
23 Thank you very much.

24           PRESIDING OFFICER: Thank you for your testimony.  
25           Janet Greenwald.

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1           JANET GREENWALD: I would like to begin my  
2 testimony by thanking some scientists. I'd like to thank Dr.  
3 Richard Phillips who has been working on the WIPP project for  
4 approximately 19 years. I would like to thank Dr. Robert  
5 Anderson, who has been working on the WIPP project since 1974  
6 to 1976, and I would like to thank Dr. Lawrence Baros of  
7 Sandia Lab, who was the first person who brought to our  
8 attention that the WIPP was in a Karst zone. He no longer  
9 works there. I would like to thank Dr. John Gibbons of  
10 Sandia Labs, who first brought to our attention that there  
11 were fractures in the Rustler. He no longer works there. I  
12 would like to thank Dr. Davis Snow who was a consultant with  
13 DOE for many years who found that DOE characterization of the  
14 sites and their lack of investigation of possible Karst  
15 channels caused his demise as a DOE employee who now works  
16 for us. I would like to thank Dr. John Bredehoeft who was  
17 once a consultant with the EPA who found that DOE analysis  
18 was inadequate and now works for our state's Attorney  
19 General.  
20           I'd like to thank all of those scientists who took

21 the risks they did and basically lost their jobs because of  
22 it but thankfully, hopefully found other employment.

23 I'd like to speak briefly about other countries as  
24 Ruth just spoke about other countries. I'd like to speak  
25 about Sweden. Sweden decided to bring the problem of

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1 radioactive waste to the populus of their country, something  
2 that's never been done here. They told their country what a  
3 terrible problem it was and how unsolvable it was. And this  
4 is what the people there decided. They decided to stop  
5 making it. They decided to put the waste in retrievable  
6 storage in granite caves, and they decided to work on  
7 neutralizing that waste just as projects at Sandia and Los  
8 Alamos are working on it right now.

9       My home, the home of my heart, is in northern New  
10 Mexico where my family owns land up there. We own six  
11 irrigated acres along the Embudo River. The Embudo River  
12 still runs clean and there's an old acequia system there. We  
13 live in the heart of the Hispanic north. We're very  
14 fortunate. It's clean and beautiful, but the people, ever  
15 since I have lived there for 30 years, have had to fight off  
16 all kinds of things to keep it that way. Copper mines,  
17 condominiums, you name it, people have fought it off. That's  
18 why it is so beautiful and I feel so privileged to be here in  
19 this state, and it's that beauty and that Hispanic culture  
20 which inspired me to begin this fight to try to stop this

21 radioactive waste dump here.

22 In this last year many of DOE's 20 PR people who

23 work on WIPP have been up in the northern part of New Mexico.

24 They've been passing out money and they've been talking to

25 people and this is what they say. They say, you know that

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1 radioactive waste that's leaking tritium into your water now  
2 up here, well, guess what, if we could take it to WIPP, that  
3 wouldn't be happening.

4       They've been engendering some support from pueblos  
5 and other places. Well, our friend Deborah Reed, who lives  
6 in Santa Fe, was told this by a DOE PR person, and she's just  
7 one of those kind of ornery, pesky CARD people who never  
8 believes anything anyone tells her unless she hears it from  
9 the horse's mouth.

10       So she went up to Los Alamos, and during a lunch  
11 break when the guard wasn't at the door of a certain gated  
12 facility, she went in there, and it was one of the facilities  
13 where waste is stored up there, and she sat down and talked  
14 to the official person who takes care of that waste  
15 repository, waste dump, waste storage area, I'm not going to  
16 name it, and this is what he told her. He said no, we don't  
17 have the money to take care of that waste that's leaking  
18 tritium into the aquifer now and will soon be leaking  
19 plutonium into the aquifer. We don't have the money to take  
20 care of that because right now all the money we have for

21 nuclear waste disposal is being spent on getting drums ready  
22 to go to WIPP.  
23       This is a heavy line that's circulating around in  
24 northern New Mexico, and as I say, it's being accompanied by  
25 little bits of money here and there. You know, people wonder

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1 Richard, on a shoe string can find the waterflow paths of  
2 WIPP and DOE has never been able to.

3 I can tell you DOE hasn't put their money there.

4 That's not where they've been putting their money. They put  
5 it lots of other places though. Lots of other places.

6 Last Earth Day I had a table at La Maquinita Co-op  
7 earth day, and a man came to me and he turned out to be  
8 another Sandia scientist whom I can't name because he still  
9 wants his job there. But he said you know there's a report  
10 that you should get hold of, and he gave me the numbers. And  
11 someone better at looking reports better than I am looked it  
12 up and I looked it over and I gave it to Deborah Reed.

13 And she called me one night and she said, well,  
14 this is a pretty obscure Sandia report. I've never seen  
15 anything like it before. She said, do you know what it says,  
16 and I said no. She said, well it is about what's going to  
17 happen if there's a nuclear accident here.

18 This man was asked to do a cost analysis of what  
19 will the cost be if there is a bad nuclear accident here.  
20 But instead of doing that the man said simply, you can't

21 clean it up. You can't clean up plutonium dust.

22 This is our home here. It's been the home of

23 Hispanic people here for hundreds and hundreds of years. Our

24 roots are here. If there's a nuclear accident here, I know

25 now that it won't be our home anymore.

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1        This isn't something that people talk about. It  
2 was an obscure Sandia report.

3        I guess I'm going to end this by saying that people  
4 here are going to fight this. You don't see very many people  
5 at this hearing but if the trucks start rolling, you'll see  
6 them on the streets. They've already put a lot of money into  
7 a fund for a lawsuit because they think that's where this is  
8 going, because this is our land ditch stand for our home.  
9 How can you expect us to trust DOE with transporting nuclear  
10 waste through our state?

11       We had a conference here, a mini conference two  
12 years ago where radiation survivors from Rocky Flats, Nevada  
13 test site, every nuclear facility you can think of came here.  
14 Those people were very sick and some of them said I'm the  
15 wellest person in my group. That's what the woman said who  
16 came here from Rocky Flats. She was the wellest person in  
17 her group that was employed at Rocky Flats. She was trying  
18 to get compensation. She had seizures, constant seizures.

19       We'll fight this any way we can and I just plead  
20 with you, take a brave stand. I know it is hard. I know you

21 won't keep your job and I know it is a lot to ask. That's

22 all I can do.

23 PRESIDING OFFICER: Thank you very much for your

24 testimony tonight.

25 Jay Evans is next.

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1           JAY EVANS: Presiding Officer Wilson, Acting  
2 Directors, counselor, thank you for taking this testimony. I  
3 hope my hometown treats you well and in return I wish that  
4 the EPA would treat my home state equally well and not turn  
5 it into the nation's nuclear sacrifice area and withdraw the  
6 Draft Operating Plan For Compliance Criteria.

7           For the record, I call your attention to the fact  
8 that the DOE has never had a site that did not leak at an  
9 astoundingly shorter time than they thought possible. It  
10 happened right here in Los Alamos, at Hanford, Savannah  
11 River, Oak Ridge, the list goes on and on.

12          All the intense scrutiny that the Sandia Lab LACI's  
13 claim to have taken place do not change a few basic facts,  
14 and I say here, hey, Labs give me a break. They don't even  
15 know the nature and scope of the waste right up there on the  
16 mesa at Kirkland Air Force base that contaminated donkeys  
17 that they continue to dig out of the ground, so they don't  
18 have a lot of credibility with me.

19          A key point in Dr. Phillips' testimony that I would  
20 to reemphasize for the record is that all five strata at the

21 WIPP site show waterflow and there's nothing to prevent  
22 rainwater recharge, so taking that, water is going to get in.  
23 I'm not even talking about the high probability of oil and  
24 gas exploration, and I restate the fact that there are 120  
25 working wells within two miles of the WIPP site right now.

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1       No one disagrees -- and this is a critical point  
2   from my understanding of the issue -- no one disagrees that  
3   there's no container that will last as long as plutonium is  
4   the most toxic substance on earth.

5       Acting Director Weinstock and Acting Director  
6   Marcinowski, I think you probably know about the Inhalation  
7   and Toxicology Resource Institute out here on the west mesa,  
8   where they collected data about the toxicity of plutonium,  
9   which we're going to have 13 tons at the WIPP site  
10   depository. And they collected that data by injecting little  
11   Beagle puppies with small amounts of plutonium to find out  
12   how small an amount would guarantee lung cancer and the  
13   horrible death that accompanies that disease.

14       I don't know if you're aware of that, but that  
15   happened right here in my own town. And the discharge ponds  
16   out there are another waste problem that we haven't been able  
17   to come to terms with. You can almost hear those little  
18   snoopies barking, barking, barking, dead.

19       It is my understanding the EPA refuses to disclose  
20   names and qualifications of contractors and consultants that

21 provided technical support. This flies in the face of my  
22 understanding of the scientific method. My understanding is  
23 if you research, you publish, get peer review. I don't think  
24 it's unreasonable if the EPA stands by its work in this life  
25 and death situation to let us know who is responsible. That

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1 is not really a big stretch.

2 In closing, I would like to encourage you in the  
3 strongest terms I can, without being carried away by the  
4 state police, to withdraw the Compliance Certification  
5 Application, and further, and on a positive note, I would  
6 like to call, like I did with Secretary Pena when I met him  
7 this past summer in Philadelphia, for a monitored double  
8 walled retrievable surface storage facility at the point of  
9 waste origin until we can formulate an adequate solution.  
10 Whether it's vitrification, transmutation, transmogrification  
11 or some other unyet discovered method of detoxification.

12 I've got to have faith in human beings and even the  
13 big brains at Sandia Labs that human beings are capable of  
14 discovering an adequate solution. And I further believe that  
15 if we don't do that, our grandchildren and their  
16 grandchildren are going to curse your names.

17 PRESIDING OFFICER: Thank you for your testimony  
18 today.

19 I'm now going to check those people who weren't  
20 here earlier and then go to the waiting list.

- 21        Jeanne Carlston.
- 22        (No response.)
- 23        PRESIDING OFFICER: Louise Bower.
- 24        (No response.)
- 25        PRESIDING OFFICER: Paul Rueckhus, Maria Baca, Judy

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1 Kaul, Victoria Michelle.

2 (No response.)

3 PRESIDING OFFICER: Okay, Lyndia Spurling, is she  
4 here?

5 (No response.)

6 PRESIDING OFFICER: Amy Nixon, is she here?

7 (No response.)

8 PRESIDING OFFICER: Jenny Van Winkle.

9 JENNY VAN WINKLE: I'm standing up here and it's  
10 incredibly difficult for me to talk in front of any group of  
11 people, but I'm forcing myself to do it anyway because I  
12 think it is so important, it needs to be said over and over  
13 again that to track nuclear waste all over this country and  
14 to bury it in a site that if you look at it honestly it  
15 all -- you can't say it is acceptable for storing nuclear  
16 waste.

17 Then because you have a place to put it, to say it  
18 is okay to create more and more deadly toxic nuclear waste,  
19 to do that is to deny your own humanity and to go against the  
20 wishes of the majority of the people and to wage a war on all

21 the inhabitants of this beautiful, amazing planet. And it's

22 just -- to do it in the name of disgusting, dirty, ugly

23 money, and I just want to say I think it is wrong.

24 PRESIDING OFFICER: Thank you.

25 Penny Maynes.

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1           PENNY MAYNES: I've lived in New Mexico for 15  
2   years and I'm opposed to the WIPP site for the reasons stated  
3   today by Dr. Phillips, Janet Greenwald and others.

4           I'd also like to note I'm a little curious about  
5   the fact that EPA refuses to disclose the names and  
6   qualifications of contractors who provide technical support.  
7   And that the DOE refuses to name the authors of the rebuttal  
8   to the argument of Dr. Snow and Dr. Richard Phillips, and  
9   also refuses to name the author of the environmental impact  
10   statement.

11          I wonder, are those people hiding from the Internal  
12   Revenue Service, or could they be behind in child support  
13   payments.

14          Or perhaps the authors of the DOE Environmental  
15   Impact Statement and the rebuttal to Dr. Snow and Dr. Richard  
16   Phillips are well known fiction writers whose names we'd  
17   recognize if we heard them and their talent at writing  
18   fiction are now being put to defending the WIPP site.

19          My insinuations may seem absurd to you, but they  
20   are no more absurd than refusal of the EPA and DOE to

21 disclose their contractors, authors and their qualifications.

22 I'd also like to note that the handling of

23 radioactive materials in the United States often by the DOE

24 has been determined by power and greed not by science or

25 respect for the common good.

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1 I also wonder if these hearings do any good or if  
2 it is all just going to be one powerful group that determines  
3 the outcome.

4 If the handling of radioactive materials had been  
5 determined by science and regard for the common good, we  
6 would not have had a situation in Hanford, Washington, we  
7 would not have radioactive material in the Columbia River,  
8 we would not have the sickening level of radioactivity in  
9 Rocky Flats plant, we would not have a high incidence of  
10 brain tumors in Los Alamos County.

11 There's another kind of power and that's the power  
12 we all have to act with integrity and character. In New  
13 Mexico schools we call this character and say character  
14 counts. It's doing what's right despite regards to your  
15 paycheck, job or reputation.

16 I'd like each of you to use your personal power and  
17 integrity to ensure the EPA begins to act as an independent  
18 agent not as an unofficial arm of the DOE.

19 I believe the EPA is not acting as an independent  
20 agent now, because it accepts as fact statements made by the

21 DOE. When there are two sides to a disagreement, one does  
22 not blindly accept a statement by one side as part of the  
23 rationale for a decision.

24 A few of the statements accepted by the EPA are  
25 that the Mescalero Caliche covers the WIPP site and prevents

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1 rainwater infiltration; that the Dewey Lake Red Beds have not  
2 produced water in the WIPP shaft or in test wells above the  
3 waste panels; and that there is no evidence of dissolution in  
4 the Rustler or Salado formation within the WIPP site.

5 In addition, the EPA has said that if a site lies  
6 in an area where valuable resources are present or where  
7 there has been or will be mining for resources or where  
8 there's a large amount or rare resources, the site must be  
9 shown to have favorable characteristics that outweighed the  
10 risks associated with those resources.

11 We are all aware of the oil, natural gas wells and  
12 potash mines in the WIPP area.

13 DOE has not shown the site to have those  
14 potentially favorable characteristics mentioned just earlier.  
15 Instead, the site has been shown to have many problems as  
16 noted today.

17 It is possible that each of you could use your  
18 personal power, your integrity to see that EPA acts as an  
19 independent agency.

20 We've obviously had enough handling or radioactive

21 waste based on thoughtless power and greed. Just one of you  
22 could turn this thing around and base a decision on science  
23 and the common good. Perhaps waiting for new technology as  
24 Dave Mitchell suggests.  
25 I believe you can and that you have it within you

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1 to do better than has been done in the past. Whether or not  
2 you choose to is up to you. Thank you.

3 PRESIDING OFFICER: Thank you.

4 Next is Sally Alice Thompson.

5 SALLY ALICE THOMPSON: My name is Sally Alice  
6 Thompson. I've lived in Albuquerque for 45 years. Before  
7 that I was a citizen of other parts of the United States.  
8 I'm a very patriotic citizen. I believe that as long as we  
9 have a real democracy in this country, we're going to have  
10 things working well. But when a few people start running  
11 things because they have a power of a lot of money behind  
12 them, we are on the road to a very lot of trouble.

13 At the present time, there's a great erosion in  
14 confidence in our government, particularly of the DOE because  
15 of the many, many lies that the DOE has propagated on the  
16 public.

17 I mean it is very obvious that the lies that they  
18 told us about Rocky Flats and about downwinders and about  
19 Hanford, all of those things have really eroded our  
20 confidence in our government. We feel very badly about that.

21 Another thing that I'd like to mention about the  
22 DOE is their flagrant disregard for the welfare of the people  
23 except for themselves, of course. They live in areas where  
24 they don't -- where they are not in any danger from the  
25 results of the things that they propagate, but they are not

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1 concerned about the welfare of other people.

2 I'm going to tell you a story. It's not a fairy  
3 take, it is a true story. It's a story that you would have  
4 known if we had a really, really free press, but since we  
5 don't I'm sure you haven't heard this story, because the  
6 right hand even in government doesn't know what the left hand  
7 is doing. Have you heard this story of Jim Bailey?

8 (No response.)

9 No? He was a truck driver for Oak Ridge. And the  
10 workers of Oak Ridge wear protective clothing but the truck  
11 drivers are not allowed to wear protective clothing because  
12 they don't want people to know when the trucks carrying  
13 nuclear stuff are driving around, so they have to wear this  
14 ordinary clothing. So they were not permitted to wear  
15 protective clothing.

16 He had his first child, a daughter. She had  
17 three -- not one, not two -- three brain tumors. She lived  
18 very uncomfortably, very painfully for four months. In the  
19 four months her head grew to the size of an adults and then  
20 she died.

21 Well, he was, of course, very upset about it and he  
22 started going to medical people and essentially the cancer  
23 specialists, and they found that he had chromosome  
24 disorganization as a result of the radiation that he had  
25 experienced when he would go to check on the -- he had to go

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1 into the trucks to check on the cargo.

2       So, he refused to drive anymore. And DOE played  
3 along with him and placated him for a few months. Then they  
4 said, well, now you've got to start driving again. And he  
5 said, no, I won't do. I'm not going to take a chance on  
6 having another child with cancer. He refused flatly to drive  
7 and they fired him. So he took it to the GAP, Government  
8 Accountability Project, and they supported him in a law case.

9       And the judge decided that in view of the fact that  
10 he was wearing a monitor that always registered zero -- and  
11 they tried the monitor right where it was known there was  
12 radiation and it still registered zero -- they told  
13 him -- well, they told the judge it has to be placed in a  
14 certain way or it won't register.

15       Well, how can you wear a monitor that has to be  
16 placed in a certain way -- and it turned out that the other  
17 carriers, the other couriers for Oak Ridge had the same kind  
18 of monitors and they didn't work either.

19       So the judge said that Oak Ridge had to rehire him  
20 and gave him his job back. Well, instead of doing that they

21 have appealed and they won't give him his job back because  
22 they are appealing.  
23 And I'll have to read to you from the report from  
24 the Government Accountability Project, the follow-up of that,  
25 the DOE management responded to the findings not by

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1 correcting the problems but by retaliating against couriers  
2 who were taking part in the investigation. The retaliation  
3 was sweeping and systematic. Three managers formed a blue  
4 ribbon panel which met with every courier on the Oak Ridge  
5 division. All courier assignments out of Oak Ridge were  
6 suspended until the panel had interviewed everyone. Couriers  
7 were told to answer three questions and informed that their  
8 answers would be reviewed and their futures in the program  
9 would be adjusted accordingly.

10 Not surprisingly the investigation had a chilling  
11 affect among the couriers at Oak Ridge. One courier  
12 described the experience to GAP and their figures, I answered  
13 don't know to all three questions on the survey and would  
14 soon regret it during my hearing before the supervisors. I  
15 spent approximately 35 degrading minutes before these  
16 individuals who told me that my answering "don't know" will  
17 result in my security clearance being rescinded.

18 I was provided with a new questionnaire. Now, can  
19 you imagine that? They didn't like what he answered so they  
20 gave him a new questionnaire. They said you answer these

21 right or you're going to lose your security clearance. So he  
22 answered right and kept his security clearance, but he wasn't  
23 happy about it and he called it coercion.

24 Now, this reminded me of something that I notice  
25 today --

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1       PRESIDING OFFICER: Ms. Thompson, your time is up.  
2 If you could summarize.

3       SALLY ALICE THOMPSON: Okay, I will summarize what  
4 I want to say.

5       I notice that every person who argued in favor of  
6 opening WIPP has an economic interest in it. Every person  
7 who does not, has testified against WIPP, does not have an  
8 economic interest.

9       I'm wondering to what extent these people are  
10 concerned about keeping their security clearance or whatever.

11       I just -- one thing that really concerns me is that  
12 all of this testimony, if it is ignored, it puts the  
13 government again in the situation where people with fragile  
14 egos like Timothy McVeigh and Terry Nichols, they resort to  
15 anarchy because they feel so disempowered that they will do  
16 anything.

17       This is not what we want in our country. We want  
18 our country to have a real democracy, and please listen to  
19 the people -- the people, not the people who are paid to keep  
20 on doing this nuclear business. Thank you.

21        PRESIDING OFFICER: Thank you for being here.  
22        Next is Larry Brush. Is he here?  
23        (No response.)  
24        PRESIDING OFFICER: I guess not.  
25        Robert Anderson.

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1       ROBERT ANDERSON: Thank you for being here. I was  
2 on the schedule earlier but I somehow got mixed up, so I'm  
3 glad you're still here. I want to thank you folks for being  
4 here, especially the people who are speaking in opposition to  
5 this. Of course I'm going to speak to not agree with the  
6 compliance.

7       I had a speech and a lot of thoughts, but everyone  
8 else said a lot of good things, so I don't want to repeat a  
9 lot of that. I'm going to try to summarize some of it and  
10 make some general statements too that I think are important  
11 to this.

12       A lot of the DOE people give a lot of credentials  
13 on who they are, so I don't like to do that, but just to let  
14 you know a little bit where I'm coming from on this and some  
15 expertise, maybe. I have a Masters Degree in Public Policy  
16 and basically Political Science from Carnegie Mellon  
17 University, a wonderful Ivy League school where you spend a  
18 lot of money for it and hopefully I learned something there.  
19 I think I did, because I can bring it to this kind of  
20 problem, and I see this is politics and not science, for

21 example.

22 But I also have some other expertise. When I was  
23 in the air force, I was in nuclear weapons program demolition  
24 work, and I probably actually handled some of these things  
25 more than some people in the room and some of the components

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1 of it. That also qualified me to be, what they call an  
2 Atomic veteran.

3 I didn't realize until a couple of years ago when  
4 Hayes O'Leary (sic) declassified a lot of the documentation,  
5 that actually I was working around the Nevada test site on  
6 the Mercury range there when there were some leaders and  
7 tests were going on and they never told us about that.

8 So I feel a lot of qualifications to speak on this.  
9 I also -- I think one of the things I want to press on this,  
10 I think a scientist can approach this pretty objectively, but  
11 I don't have an economic interest in promoting this or  
12 anything other than looking at it objectively.

13 The message I want to say is that I think this  
14 whole project -- there's a lot of documentation and people  
15 raise things here, I mean waterflow, Karst, oil wells being  
16 drilled there that weren't expected. A lot of things that  
17 shoot a lot of holes in this whole thing, unnamed authors. I  
18 mean this whole thing sounds to me more like some of the  
19 studies like these resignation letters that are elctron dated  
20 that you get when you get out of cabinet post or a high

21 political position, where the feel has something like that.  
22 I've been watching this series on PBS the last few  
23 days about Cecil Rowe and the establishment of the Apartheid  
24 government in South Africa, and that's the kind of thing he  
25 used, and this whole thing sort of has like more political

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1 flavor of that than it has any logical rational reality to  
2 is, because I think the original step, the first step off on  
3 this thing to bury this waste, I mean, this is basically a  
4 dump, I mean, a high level and low level radioactive waste  
5 dump in our state here.

6       It was flawed from the beginning from everything  
7 down that road. You can find all kinds of mass nations and  
8 political stories and someday this things going to be really  
9 studied in political science classes for how the decisions  
10 were made and not made and what influenced those things of  
11 things.

12       That's where I come in bringing that kind of  
13 specialty to it is that I see that, you know, here we are at  
14 another one of these final last hearings before WIPP is going  
15 to open again and it seems like these things always sort of  
16 coincide with some kind of upcoming congressional election  
17 system. Everyone is trying to get this thing open before the  
18 next run of elections comes up in Congress, and maybe they'll  
19 be totally opposed to it, so here we are again, and I think  
20 we've stopped this thing a whole lot of times. I'm really

21 proud of that.

22 I was thinking about the headlines in the

23 newspapers, what are they going to say tomorrow as they

24 prepare this to Carlsbad. Are they going to say here in the

25 heart of the DOE, the brain trust that is in charge of

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1 running WIPP, that I counted over 100 people came out here in  
2 this town and spoke out against this certification and  
3 compliance for various reasons.

4 I think it probably won't even make the newspapers  
5 at all. I mean I don't think they'll be any coverage or  
6 they'll evenn talk about it. But I feel really proud of all  
7 of the people that came here, because we are in a big city  
8 far away from where half a million dollars a day is being  
9 dumped into this hole in the ground to keep it open.

10 People are speaking very objectively and honestly  
11 and from their heart, and I think you, the EPA have really  
12 got to take a look at that. What's significant about this  
13 too is that the further you get away from the WIPP site and  
14 the dump areas, people become more objective and think very  
15 seriously about this.

16 As I was reading the paper Saturday up in Colorado,  
17 all the politicians and governor and mayors and officials got  
18 together and they are trying to push WIPP open because they  
19 want this stuff out of there, out of Rocky Flats. They know  
20 how bad this is. This is happening all over the big cities.

21 They want to dump it somewhere in little places like this,  
22 little colonies. Weak little colonies of the country that  
23 won't be able to resist this. So people do think very  
24 seriously about this and very clearly.  
25 I just want to finish up with one little thing

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1 that Dr. Weiner made the statement and the lady from the DOE  
2 certified this thing for 10,000 years down the road. I think  
3 this is bad science. Dr. Weiner said no one had disproved  
4 the theory that this could be guaranteed for 10,000 years.  
5 And I just want to say the thing about proof is they have not  
6 proved it can either. You can use probability or whatever.

7       This is a political decision and not a scientific  
8 decision. We've got bad politics making bad science. It  
9 never works. I think it is a bad situation because they can  
10 say the proof, it cannot be proven for 10,000 years, which I  
11 think is the most ludicrous statement anybody can come up  
12 with. All you've got to do is think of Rocky Flats, Hanford,  
13 Savannah River, Oak Ridge, Los Alamos, even Sandia here, the  
14 plutoniums in the soil here in the city.

15       So the proof is there, and if you draw a scientific  
16 conclusion from this of what's there, you cannot certify on  
17 any kind of rational basis of 10,000 years this thing is  
18 going to be safe. Thank you.

19       PRESIDING OFFICER: Thank you.

20       Mary Steep.

21 (No response.)

22 PRESIDING OFFICER: Michael Mauzy.

23 MICHAEL MAUZY: Good evening. I'm Mike Mauzy. I

24 live in Albuquerque.

25 So that you know something about me, I'm a

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1 registered professional engineer in multiple states and I  
2 retired about a year ago. Prior to my retirement I worked  
3 for 15 years with Roy F. Weston as a corporate officer.  
4 During this career I worked for 12 years as a consultant with  
5 DOE as a major client. I have worked at every major site  
6 involved in the DOE weapons program.

7       Within the last two years prior to retirement, I  
8 managed work on a technical support contract to the Carlsbad  
9 Area Office. Hence I'm knowledgeable in some of the  
10 activities and programs carried out to compile and justify  
11 the data analysis and information contained in the Compliance  
12 Certification Application.

13       Prior to my career with Weston, I spent nine years  
14 in the Illinois Environmental Protection Agency, seven of  
15 which was in the capacity of assistant director or director.

16       I want to commend EPA for it's thorough review of  
17 the DOE Compliance Certification Application for WIPP. You  
18 did a fine job. The proposed rule, the supplementary review  
19 and introduction to the proposed rules succinctly translate  
20 complex science and technical information into plain readable

21 English. It's clear you did your homework, that you read the  
22 massive application and it's appendices, and that you  
23 independently analyzed some of the information.  
24 The Land Withdrawal Act of 1992 and amendments of  
25 1996 established requirements to be satisfied by the

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1 Department of Energy prior to opening WIPP. By in large, the  
2 requirements contained in this legislation represent, in my  
3 view, sound public policy and improvements in the process to  
4 build public confidence in the program.

5 EPA's involvement in the process has been  
6 beneficial. EPA's behavior through the compliance, through  
7 the application review has been a model for regulatory  
8 agencies.

9 The review which you conducted has been completed  
10 on time and your proposed rule now represents the culmination  
11 of some 15 years of efforts with considerable public expense  
12 to open the deep geologic repository for the disposal of  
13 transuranic waste.

14 Now that your review is complete and the proposed  
15 rule is published, it is time to open and operate WIPP as is  
16 consistent with the Land Withdrawal Act and its amendments.

17 EPA's involvement in this process has been  
18 unprecedented, and so far in my view, very constructive. The  
19 compliance certification agreement demonstrates time and  
20 again built-in safety exists in the project. Even when

21 compared with most worse case scenarios, there has been  
22 extensive third party independent peer review of DOE's data  
23 and analysis contained in the Compliance Certification  
24 Agreement. The independent review and analysis was performed  
25 by national and international experts prior to submission of

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1 the application. The process was not a peer review rubber  
2 stamp, but a sincere effort to obtain services of  
3 knowledgeable, technical people who can review the material  
4 and prepare an independent assessment of it.

5 I'm concerned about the impact on the program of  
6 condition two of the proposed rule. I do not see convincing  
7 evidence of the need for EPA to inject itself in the middle  
8 of the generator site certification process.

9 Condition two places EPA on a critical path at  
10 every generator site. The program will with the process  
11 defined by condition two will slow down the certification  
12 process and lengthen the time required to achieve relocation  
13 of transuranic waste to the repository where safety is  
14 enhanced.

15 If this concept were extended to other  
16 environmental purposes such as air pollution control permits  
17 or water pollution control permits, chaos would reign on a  
18 national basis. There's a legitimate role for EPA, however,  
19 in providing oversight, surveillance and audits to DOE  
20 programs to assure that waste transferred from the generator

21 sites to WIPP are properly characterized prior to shipment  
22 and that the characteristic indicate compliance with the WIPP  
23 waste acceptance criteria. This is the traditional role of  
24 the regulatory agency. This is the model that I believe  
25 should be followed.

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1           In summary, it is my belief that WIPP protects  
2 human health and the environment. WIPP should be granted  
3 approval to open and operate without further delay.

4           EPA should not inject itself into the sight  
5 generator certification process. EPA has the responsibility  
6 to insure that the site generator certification process is  
7 working and that the WIPP waste acceptance requirements are  
8 in no way compromised. Open WIPP without further delay as  
9 Congress has mandated. Thank you.

10          PRESIDING OFFICER: Thank you.

11          Next is Julie Ahern.

12          JUDY AHERN: This is pretty impromptu and I'm  
13 pretty tired and getting whatever that virus is going around.  
14 So I won't stand too close to this microphone, and I hope  
15 that I'm somewhat coherent.

16          I was reading through some of the literature you  
17 have out here and the one that says State of New Mexico WIPP  
18 transport safety. I have three words to say about that. Fix  
19 the roads.

20          There was a study that was reported on the radio

21 last night that 79 percent of the roads in New Mexico are  
22 substandard by national standards. That we are on the bottom  
23 along with other things like infant mortality statistics and  
24 other sorts of things. We are on the bottom in the nation  
25 for the quality of our roads. So if we're going to put those

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1 trucks on the roads, we need a massive overhaul of New Mexico  
2 roads.

3 Not to mention that while our drunk driving records  
4 have improved, they are still not very good from a national  
5 perspective. And I don't know if you are aware of the very  
6 tragic accident that just happened in Socorro with several  
7 graduating 18 year olds. That follows up on another accident  
8 where six teenagers were killed on a highway. Rural highways  
9 can engender fast driving. New Mexico is kind of famous for  
10 it's fast driving.

11 This is not a safe state to put touchy materials on  
12 highways. We are not a state that has the money to fix the  
13 roads.

14 And the other thing I noticed here on the alert  
15 annual local emergency response training, all of this stuff  
16 this program can provide in terms of training people along  
17 the way, there's no mention of what I would assume would be  
18 very expensive hospital equipment to deal with people who  
19 were contaminated in a accident if there ever was.

20 I mean we don't even have very many hospitals along

21 these highways. You go for long stretches in New Mexico  
22 without there being any towns. Like between Vaughn and  
23 Roswell is about 90 miles.

24       So presuming you transport injured people from the  
25 site of one of these accidents, is every rural hospital along

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1 the way going to have the equipment to deal with radioactive  
2 activity? We are a poor state. There is not at present the  
3 infrastructure to handle one of these accidents, and the  
4 least that the State of New Mexico and the federal government  
5 can do for the citizens of New Mexico is fix the roads and  
6 get the right equipment in the hospitals, and make sure,  
7 because my understanding is that at present many personnel  
8 have not been through these sort of training things to handle  
9 this.

10       So I don't think we're -- just in terms of the  
11 infrastructure of the state, we're not ready to open WIPP,  
12 let alone the argument about whether or not WIPP is safe.  
13 Our state is not safe for it, for the transport.

14       The reason why I actually -- this was what I  
15 thought about while I was sitting here. The reason why I  
16 signed up to speak was because my husband is part time  
17 professional in the staff of one the larger churches in town,  
18 and it is a upper middle class, comfortable church, and so  
19 many of the -- I don't know if you're aware of the economic  
20 structures in this state, but there are a few sorts of jobs

21 that pay a lot of money, and then there are many, many jobs

22 that pay very little money.

23 A bulk of the few portion of jobs that pay a lot

24 of money in the state are defense related. So many people

25 that I know, that invite to dinner, that I deal with all of

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1 the time in prayer groups, whatever, are linked to the  
2 Department of Defense.

3       Needless to say we don't have these conversations a  
4 lot because I wouldn't be here about my concerns about WIPP  
5 if I didn't have very different political views. But it just  
6 struck me as I'm thinking about it over the past few days. I  
7 mean, everyone I know who is involved in this is very  
8 materially comfortable.

9       My husband works one full-time job and two  
10 part-time jobs, and I work a part-time job, and we don't make  
11 half the income that a family where one partner works full  
12 time at Sandia.

13       And I am not saying that they are bad scientists,  
14 haven't done their Ph.D.'s well or that they are not decent  
15 human beings, because I know they are decent human, because I  
16 pray with them and they are my friends and they are valued  
17 members of my community. But there just is the realities of  
18 the economic difference.

19       Now most of the people that I know that work at  
20 Sandia, and several of them work specifically on the WIPP

21 project, they started maybe 10, 12 years ago. Well, how do  
22 you get a job there if you don't already believe that it's  
23 going to work . How can you question, in that environment,  
24 like Janet Greenwald said, she lives off all of these  
25 scientists that don't work there anymore because they decided

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1 that it didn't work out right.

2       So the science has to be biased or otherwise people  
3 wouldn't, you wouldn't have a job there. If you look around  
4 New Mexico, there aren't a lot of jobs to have. The ones  
5 for -- this is probably my closest friend, she and her  
6 husband were out of work for six months before they got a job  
7 at Sandia. Well, if he decides whatever his personal  
8 integrity and scientific finesse aside, if he decides not to  
9 work there, if he decides to take the position that WIPP  
10 shouldn't be opened, where's he going to get a job? I mean  
11 defense jobs are closing down all over this country, and he  
12 is used to a certain standard of living, so there is just an  
13 overarching problem with the science.

14       And I would just like to point out quickly that we  
15 have this problem in tobacco industry. We have an industry  
16 that says there's no proof that tobacco causes cancer. And  
17 the scientists who are employed by the tobacco industry say,  
18 I mean, this is just -- science is not as sophisticated as we  
19 want to put it. There's all kinds of social, political  
20 things that go into science. And all kinds of just personal

21 motivations. You've got to raise your kids, pay your house  
22 payments.

23 When Ms. Chu said that she's got three kids and she  
24 has the same concerns as everybody else, well the city of  
25 Albuquerque did a study in the early 1990's about housing in

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1 Albuquerque, and they found that half the people that reside  
2 in the city cannot afford their housing. Well, that is one  
3 problem that unless Ms. Chu has purchased some 6,000 square  
4 foot custom home, she does not have a problem with that if  
5 she hasn't overbought on her salary from Sandia.

6 People who are employed with defense industry in  
7 this state do not share a lot of the same problems as other  
8 people in this state, and a large chunk of them this is a  
9 poor state.

10 PRESIDING OFFICER: Ms. Ahern, your time is up, so  
11 if you could conclude.

12 JULIE AHERN: Well, I've been here and I'm sick and  
13 I just want to get through -- I'll try a couple more minutes.

14 The other thing is that I just watched a program on  
15 the weather, and all of this about all of our developments  
16 and understanding these complex models, how weather works  
17 within our biosphere, and we still cannot predict the weather  
18 farther than a week ahead. That says something about how far  
19 we still need to go, which brings me to the next -- I'm  
20 streamlining -- somebody else brought up hubris.

21           My husband and I sort of disagree on the kind of  
22 movies we go to, but my parents were in town and he wanted to  
23 see Titanic. It wouldn't have been my first choice but I  
24 went. But you know something, that is a devastating movie  
25 and I really recommend that you see it.

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1           And I think there's a little bit of irony and maybe  
2 a sad irony, but you go and see that movie and there aren't  
3 enough -- we've all heard about how there weren't enough  
4 lifeboats and 1500 people died and only 700 lived, but if you  
5 can go and see the movie and the whole impact of the movie is  
6 these lies. These were people. Fifteen hundred people died  
7 on it, and the reason they died was because there was  
8 absolutely no question that this ship couldn't sink.

9           Human beings are prone to hubris. The Greeks  
10 understood that and we model our whole civilization on the  
11 Greeks. There's a lot of hubris going on here and I'm not  
12 even saying that I know for sure that WIPP isn't and doesn't  
13 have some good science behind it. But to say that we know  
14 10,000 years into the future based on any scientific model,  
15 we can't predict the weather beyond a week. We're not that  
16 big, we're not God. That's the whole point of Adam and Eve,  
17 okay.

18           Let's not go down to the bottom of the north  
19 Atlantic, because I'm really afraid that there is bound to be  
20 elements of that.

21           The last thing I'd like to say is I have a clear  
22   inspiration that I think is going to solve all of this. Are  
23   you ready to hear it? There's this water that's in the flow  
24   channels above the WIPP repository. Okay, Socorro didn't  
25   want to sell water rights to Intel. So what we do is we sell

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1 the water rights to all that water in there to Intel and  
 2 Intel gets the water, the water doesn't go down to WIPP and  
 3 we're all happy. How's that?

4 PRESIDING OFFICER: Thank you for hanging around  
 5 even though you didn't feel well and for your testimony.

6 Next is Chuck Hawking? Is he here?

7 (No response.)

8 PRESIDING OFFICER: I guess not.

9 Rich Weiner.

10 RICHARD WEINER: Good evening, my name is Rich  
 11 Weiner. I've lived in Albuquerque for six-and-a-half years  
 12 and I hope to live the rest of my life in this beautiful  
 13 state if the State remains inhabitable by some mobile  
 14 Chernobyl type disaster to WIPP introduction coming through  
 15 I-25 and I-40 or to a series of low level or so called low  
 16 level leaks that render the area extremely unhealthy.

17 Like many other people here, I came here to help to  
 18 protect the state to protect human health and I'm not under  
 19 contract by the federal government, I'm not working at one of  
 20 the national laboratories. I think that most people here are

21 taking the decision and taking it because they love the  
22 state and they want to stay here and protect the quality of  
23 life here.

24 Back in the 70's I was living in Washington D. C.  
25 I was there not too long after EPA was created. I believed

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1 then, I was joyous then, less than joyous now., I still  
2 believe that the mission of the EPA is to protect the  
3 environment and to protect human health and other living  
4 things. It's not to protect the sloppiness of the DOE, the  
5 incompleteness of it's application. It's not to aid and abet  
6 the DOE in cramming this WIPP project down the throats of New  
7 Mexico citizens.

8       The WIPP project is a serious environmental threat  
9 and it's the duty of your agency to protect us New Mexicans  
10 from that threat. I would like to applaud Dr. Richard  
11 Phillips and other scientists for doing the work that the  
12 DOE has never done and does not intend to do.

13       Will they ignore the evidence that was so  
14 articulately presented and demonstrated by Dr. Phillips. It  
15 does so at the risk of whatever confidence that the people  
16 have in it to protect the environment, and more importantly,  
17 it does it at the risk of being responsible for tremendous  
18 destruction of a large chunk of the environment in New Mexico  
19 and it's human stewards.

20       It is crucial that EPA apply the strictest and most

21 rigorous standard of review in evaluating DOE's application.

22 It is not too late for the EPA to do it even though it so far

23 seems not to be in the preliminary approval of the DOE

24 application.

25 We are talking about models, computer models and

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1 the assumptions that they go into it. Everyone knows they  
2 are not perfect. Furthermore, when you know there are  
3 erroneous assumptions built in and we cannot afford to accept  
4 the models and the assumptions that go into it given the  
5 incredibly serious consequences of the likely errors that  
6 were, in fact, the many known and unknown errors that are  
7 found in that model and in the assumptions to that model.

8       As far as transportation of WIPP products, WIPP  
9 waste is concerned, well many people have already spoken to  
10 the danger of traveling on highways in New Mexico.

11       We just recently, in fact, heard about a uranium  
12 truck, a truck with uranium products spilling in Colorado.  
13 I'll tell you, I commute to Santa Fe so I have to get up  
14 pretty early tomorrow but I made the sacrifice to stay up  
15 late tonight. But I'll tell you I've seen many horrific  
16 accidents on I-25 between Albuquerque and Santa Fe,  
17 especially when it starts getting icy, which it does quite  
18 often in the winter.

19       One thing I'd like to let you know about is that in  
20 yesterday's Albuquerque Tribune there was an article on page

21 3, first section about the WIPP hearings. Right next to that  
22 article ironically is a small brief blurb that I would like  
23 to read part of, and the headline is, "Fuel Spill Jams  
24 Freeway, Causes I-25 To Be Closed." As I read it, I'd like  
25 you to try to imagine powdered plutonium being spilled

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1 instead of whatever fuel was spilled on the freeway.

2       It says, an accident involving a semi tractor  
3 trailer rig forced the shutdown of southbound I-25 for more  
4 than two hours this morning. Traffic was still lined up for  
5 miles at noon because of the closure on I-25. The accident  
6 occurred when the truck flipped over on it's side spilling  
7 fuel onto the freeway. All southbound lanes were closed  
8 after the accident. The dispatcher said the cleanup was  
9 taking a long time because the fuel spill had to be covered  
10 in sand.

11       Now, there were serious injuries. There were no  
12 injuries as a result of the accident, but if we were talking  
13 about powder plutonium spilling on that and even if there  
14 wasn't a wind that was carrying that into the neighborhoods  
15 surrounding the freeway, try to imagine the horror of all of  
16 these people lined up in their cars, no way to be evacuated  
17 from that situation and having to breath particles of  
18 plutonium. Now I know that many people are arguing that in  
19 fact the WIPP trucks are safe, but just like anything else,  
20 we cannot be sure of it.

21 I'm not convinced by any of the evidence I've seen.  
22 There's plenty of evidence to show that we cannot be sure  
23 that such an accident will not take place with hundreds and  
24 hundreds of these trucks rolling through I-25 and I-40 over  
25 how many, you know, every year for how many years this is

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1 going to go on.

2       You at EPA have the power to prevent these kinds of  
3 scenarios from happening, and for the sake of New Mexicans, I  
4 implore you to use that power to make sure that it does not  
5 happen, that WIPP does not open until a true consensus  
6 develops that is safe if it ever develops. Thank you.

7       PRESIDING OFFICER: Thank you.

8       Mary Ann Fisk.

9       (No response.)

10       PRESIDING OFFICER: Leslie Ann Weinstock.

11       LESLIE ANN WEINSTOCK: I'd like to give my time to  
12 Bay Woods.

13       BAY WOODS: My name is Bay Woods, and I seated my  
14 time earlier to Dr. Phillips. She asked me if I would like  
15 to take her time and I very much would like to speak to you  
16 tonight. Thank you for staying so late. I'm sure that your  
17 as tired as the rest of us are.

18       You maybe somewhat surprised to find out that among  
19 the people in this room who are opposing the WIPP site, you  
20 do have some friends.

21           This summer during August some people in this room  
22 went to the Bernalillo County Detention, went to jail  
23 defending your agency because we had received a letter that  
24 Senator Domenici, along with several other congressmen had  
25 sent to Secretary Pena of your organization threatening the

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1 funding of the organization for following up on your duties  
2 to protect the citizens of this country and this state.

3       And they said that -- I'm sure you may have seen  
4 the letter -- they said that if you had so much extra funding  
5 as to do things which they felt the Department of Energy had  
6 already done sufficiently, that you didn't need the money  
7 that you had. I don't know if that threatened any of your  
8 jobs or not, but some people were very concerned about that  
9 because we feel that you are our only protection in this  
10 'case, or at least our first line protection.

11       Janet Greenwald mentioned earlier that if this does  
12 go through the people will have to find another means of  
13 protection. People will have to go out and into the streets  
14 and do something else. And as I've been sitting there  
15 tonight, I looked at ya'll the whole time and you haven't  
16 seemed to listen that much, so I'm going to turn around now  
17 and speak to the people out here because they have been  
18 listening. I've clapped more tonight than I have in a long  
19 time. I've heard people say really sensible things and I  
20 thank everybody for the things that you have said, but you

21 know the chances are these people are going to put this  
22 through or they very well may. Just as we look into the long  
23 run of if things don't go necessarily as we planned, we're  
24 looking at the WIPP site.  
25       You know it probably won't go as the DOE plans,

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1 things won't turn out on the best case scenario, and our  
2 best case scenario is that these people behind me are our  
3 friends. And that they actually care about us as human  
4 beings, and they care about the other biota of this region,  
5 not just human beings, but other species, other life here.

6 I can't make that assumption that they do care and  
7 I don't think any of us can. I think we all need to begin to  
8 organize, because the only way we can stop this is through  
9 numbers and through really coming out to show that whatever  
10 they say that we have to protect ourselves to some degree.

11 People did go and we really are counting on you to  
12 protect us, but that can't be our only means, because if you  
13 fail us then it's going to go through. And if people die,  
14 that will be on our heads as much it's on your head.

15 That's something that as an individual I can't  
16 support, and I think that's why everyone is here. We're all  
17 trying to do everything we can to keep deaths off of our  
18 hands and off your hands, and to keep the people we love from  
19 having cancer, from being sick and from dying and watching  
20 people go through that kind of pain.

21 I don't know if you'll be here watching when people  
22 are going through that kind of pain, but a lot of us will be.  
23 It just seems to be, it seems to me to be necessary for  
24 people to come into contact with organizations like CARD and  
25 to really get some mass behind this opposition to this

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1 because we can't necessarily depend on you. And I hope you  
2 will -- we did try to protect you before and I hope you will  
3 try to protect us now.

4 This man just before said that he rejoiced when you  
5 were formed and I hope we can all rejoice again at the  
6 Environmental Protection Agency and get you out of the hands  
7 of people like Pete Domenici and people like that.

8 PRESIDING OFFICER: Thank you.

9 Next is Supra Kotser.

10 UNIDENTIFIED SPEAKER: She's not here.

11 PRESIDING OFFICER: Next is Jack Urrick.

12 JACK URRICK: My name is Jack Urrick and I'm with  
13 the Sandoval County Green Party, and although I'm speaking  
14 for myself as an individual, the Green Party is opposed to  
15 the WIPP site and to the WIPP project, but I'm speaking as an  
16 individual tonight.

17 I wasn't quite sure what I wanted to say or even  
18 whether -- I felt like Allan, you know, that spoke earlier,  
19 Allen Cooper, is it worth it to even bother to say something.  
20 But I've got an eight-year-old grandson, and when he asked me

21 where I was, I want to at least, you know, I said my peace

22 and spoke out against this insane project.

23 And then I thought well, maybe I can say something

24 really cool and spiffy like is this the environmental

25 protection agency or environmental prostitution agency, but I

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1 didn't really want to insult the prostitutes. But, hey, both  
2 of you are kind of in the same situation, you're going  
3 through the motions to get along and get by and you're in a  
4 tough situation because you have an enormously powerful bully  
5 named Pete Domenici who has basically bullied you into  
6 ignoring basic scientific evidence, questions that we've been  
7 asking since I began to study the WIPP project eight years  
8 ago like what's the characteristics of the waste. Because we  
9 know at least since 1991, when the EEG found evidence that  
10 there is an enormous amount of explosivity to a lot of the  
11 waste in the cans, because we have evidence that some of the  
12 cans have actually exploded.

13       So why would any rational scientific person want to  
14 put something in the ground they hadn't characterized yet and  
15 why would a protecting agency not want to protect us on that  
16 if that's what they are about.

17       Why would they go ahead and accept an application  
18 that didn't complete the characterization of the site still  
19 refuse to answer questions that have been asked for 10 or 15  
20 years that were raised much more ably than I by Dr. Phillips

21 and others. And the reason they don't have the answers to  
22 the questions is because they don't want to find out the  
23 answers to those questions because they aren't the right  
24 answers.

25 As we all know, the Department of Energy when they

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1 don't get the answers they want, then they hire someone else  
2 that will give them the answers they want. That's how they  
3 came to approve the WIPP site. They didn't work in one place  
4 so they moved it over a little. It didn't work in Kansas, so  
5 they moved it here to New Mexico, getting it to fit in a  
6 pseudoscientific framework. But the question is why you are  
7 approving that. Why you are going along with that, and I  
8 guess the final answer really, because I'm afraid I do  
9 believe it's a done deal. And whatever your personal  
10 beliefs, there's nobody here with the guts to really stand  
11 up. And if you do, we can't really promise you anything for  
12 coming over to the other side. I mean if you look at the  
13 scientists that aren't working for Sandia, they didn't go on  
14 to be well off. They had a difficult time of it because they  
15 stood up against the DOE. And the DOE is enormously  
16 powerful.

17       The military industrial complex runs this country.  
18 So for you to do that would take an enormous amount of  
19 courage and I wish you had it. I'd like you to have it but I  
20 don't have a lot of faith in it.

21           So the question then becomes the question that the  
22 young gentleman raised here, and that is what are we going to  
23 do when that happens and those trucks roll. I can't promise  
24 you there's going to be thousands of people out there. I  
25 sure hope there are.

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1           But I can promise you that I'm going to be there  
2 with my friends, and so I'll an able to say to my grandson  
3 and my children when they ask me where I was, I was there  
4 trying to stop this insanity. And I hope some of you find  
5 the guts to try to stop it too. Thank you.

6           PRESIDING OFFICER: Thank you.

7           There's another lady in the back who wanted to  
8 speak.

9           MARIA SANTELLI: I have just a brief thing to say,  
10 it's partly a plea. These are called hearings, so what I  
11 would like to ask of you is please hear us. As I believe it  
12 was Sally Alice who said before, the people who spoke as  
13 proponents of this project all have vested economic interest  
14 in the project. Their jobs, their income, their livelihoods  
15 will continue if the production of nuclear weapons continues.

16          We who have spoken out as opponents to the project,  
17 we're public citizens. Most of us probably live at the  
18 poverty level in New Mexico. I know that I do, but I'm very  
19 comfortable here and very happy here and I wouldn't it any  
20 other way.

21           So what I'm asking you to do is listen to the  
22 people. We've kept this away. You've become coming for 20  
23 years. For some reason, because we're saying no, we're  
24 saying we don't trust this project, I'm asking you to listen  
25 to Dr. Phillips. I heard chatter during his testimony today

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1 and I wondered why are those people talking while he's  
2 speaking, why are they not listening. Then I saw a few of  
3 these people get up and speak in favor of the project. And I  
4 said to myself, they don't want to know. They don't want to  
5 hear the opposing facts that go against their livelihood and  
6 their jobs and their pocketbooks.

7       So what I'm asking you to do is listen to us and  
8 hear us. Hear what my friend Bay said, we will not back  
9 down. We will protect ourselves in whatever capacity we need  
10 to. But we'd like for you to do it. Don't take the P out of  
11 EPA. Thank you.

12       PRESIDING OFFICER: Can you give us your name?

13       MARIA SANTELLI: Yes, Maria Santelli. I gave up my  
14 time for Dr. Phillips.

15       PRESIDING OFFICER: That's fine. Thank you.

16       Okay, Ms. Rendt.

17       LILY RENDT: Okay, I gave you a scientific  
18 explanation of why I oppose the methods that were used in  
19 DOE. But what I didn't give you and what I'd like to add to  
20 this is my concern not only about the people -- and I've been

21 a teacher for many, many years. I care very much about young  
22 people like this girl that just spoke and my friend over  
23 there that mentioned the biota as well as the people. It's  
24 the animals that I'm very concerned with.  
25 I'm concerned with the evolutionary process of these

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1 animals. And in dealing -- when I ask you to make sure that  
2 the surveys are correct, it's because I really have a love  
3 for the biota of New Mexico. I have spent a lifetime  
4 observing them.

5 I'm not originally from this state. I'm from up in  
6 Minnesota. When I came here to see all of these desert  
7 animals and to study them year-round, because in Minnesota we  
8 have so much Snow. My husband brought me here, he was a  
9 native. He was a veterinarian and he loved this state.

10 He's going now due to, I think partly, due to  
11 radiation. I'm not sure. I can't prove that. He's gone and  
12 it will never be proved. But part of it is because he was a  
13 stunt man during The Conqueror. And the Conqueror is a movie  
14 that was taking place at the time of the Nevada test site,  
15 and many of those people are dead. I think that the lung  
16 cancer that he contracted had something to do with it.

17 He also went to Vietnam as a veterinarian in the  
18 Army, and he went over there and he was exposed to Agent  
19 Orange. So I'm not real sure what happened to him.

20 But I don't like nuclear contamination. I don't

21 even like the sound of it because I've lost members of my  
22 family to this.

23 My son on the other hand, being in the Navy, went  
24 to the Persian Gulf. I'm not sure he hasn't been  
25 contaminated. So I have a real personal, personal aversion

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1 to contamination.

2 But I'm still speaking for the animals. I'm  
3 speaking for the animals that if we don't get a data base on  
4 what they are now, how will we know how they have involved  
5 and how much of it was due to some sort of radioactive  
6 contamination.

7 If we don't understand the processes that are being  
8 presented, we will not know about our own processes. The  
9 animals help us to understand. They are indicators of the  
10 existence of life itself. I'm talking of and let me give you  
11 a humorous illustration.

12 The area was not assessed for orthopods and  
13 amphibians, and also the lights of the WIPP site attracts  
14 insects. Insects are one of the lowest forms of the food  
15 chain. All the other animals eat it. It isn't just one  
16 animal or another being endangered or another animal, they  
17 are all connected.

18 Every animal contributes to the food chain. That's  
19 what we call an ecological food chain. But here's where I  
20 say were these people asleep at night even though they were

21 dealing with nocturnal animals? Had they no importance of  
22 insects in the food chain of small animals? As far as I can  
23 see from the reports, only soil microbes were listed,  
24 again too selective.  
25 Where is the data on the insects? How can an

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1 assessment of an area possibly not include a description of  
2 the arthropods and amphibians? Don't they watch sci-fi  
3 movies and descriptions of black lagoon monsters and other  
4 deformed mutants? Wouldn't they too like to deal with the  
5 reality of what does happen around nuclear dumps, after all  
6 spiders the size of two story buildings would take years to  
7 evolve.

8       At best and even though the half life of  
9 transuranic waste is 10,000 years, wouldn't they like to  
10 leave a legacy of knowledge for future generations so that  
11 some muscular Conan can find it and decipher it?

12       Every movie of this kind depicts a careful  
13 scientist who has left a legacy. How can we follow the  
14 trends of evolution without these preliminary findings? We  
15 need to have a data base. And you people can still do  
16 things. Even you can require these people to make a decent  
17 assessment. We can still save the show partly.

18       I strongly recommend too that you consider this  
19 approval until such things are evaluated properly, because it  
20 is very important to our future biological knowledge to know

21 these things.

22 PRESIDING OFFICER: Thank you.

23 KATHERINE MONTANO: I don't know if today I told

24 you the trucking company out of Albuquerque that was paying

25 the WIPP drivers to move the nuclear waste to the WIPP site,

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1 I just want you to know, don't confuse it from facility to  
2 facility. They moved it to WIPP.

3 The name of the trucking company is Martinez, and  
4 they are located on Tramway. And then you can also check out  
5 the trucking companies out of Taos. Taos is a very small  
6 town so I'm sure you'll find out who the trucking company is  
7 there. And then also find out from the Department of  
8 Transportation through Mr. Pena. I'm sure he knows all of  
9 the dirty secrets that he did when they moved all of this  
10 nuclear waste.

11 Also I hope you do an investigation because where  
12 the area at WIPP is decommissioned, that is where the nuclear  
13 waste is at. And it's not booties and tools, it's high level  
14 stuff.

15 It's sad that these poor truck drivers that didn't  
16 have the knowledge about radiation got radiated for \$150,  
17 because that's what they paid them for each load from Rocky  
18 Flats. Thank you.

19 PRESIDING OFFICER: Thank you.

20 JERRI STANFIELD: I'll be very brief. I didn't

21 plan on speaking tonight but I feel moved to. I don't really  
22 have any affiliations except for the fact that I live on this  
23 planet. And while I was listening to the people here  
24 tonight, it occurred to me that we seem to be the only animal  
25 that doesn't understand that it is not defecate where you

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1 sleep.

2 But we did have the foresight to create an agency  
3 because we knew we were going to mess up, and we knew we  
4 needed some kind of protector and some kind of watchdog. And  
5 you all are that agency, so I would like to ask you to  
6 protect us.

7 You have the chance to be the conscience of our  
8 race, and I just want to ask that you use your power or else  
9 we'll be forced to.

10 PRESIDING OFFICER: Thank you.

11 Would you give your name for the record.

12 JERRI STANFIELD: Jerri Stanfield.

13 PRESIDING OFFICER: Thank you. Yes, sir.

14 DR. JAMES EVANS: My name is Dr. James Evans. I  
15 bring you greetings from Dr. Charles Hider. Many of you will  
16 recognize his name. Charles was the first scientist that I  
17 know of who became deeply concerned about the possibility of  
18 radioactive waste being brought into New Mexico.

19 He's in Colorado right now but I know he's here in  
20 spirit and many of you know him personally.

21 I would like to say to you I think we've addressed  
22 both your brains and your hearts. I hope you go and ponder  
23 and come to a rational and humane decision because I can  
24 guarantee you that should you proceed with the plan, that the  
25 trucks will not deliver radioactive waste to Carlsbad.

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1       PRESIDING OFFICER: Thank you very much.

2       That concludes the list for this evening. We're

3 going to start again tomorrow morning at 9:00. I thank all

4 of you. It's quarter to 11:00, but obviously a lot of you

5 care deeply about this issue and the staff is late.

6       We appreciate your time and effort in coming, and

7 we'll see some of you tomorrow morning. So thanks again and

8 have a good night.

9       (THE HEARING WAS CONCLUDED AT 10:50 PM.)

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